



General Assembly

Substitute Bill No. 6651

January Session, 2013



**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE STATE
OF CONNECTICUT BROWNFIELD WORKING GROUP.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in sections 3,
2 5, 7 and 9 of this act and sections 32-9cc, 32-9ee, 32-9gg and 32-9kk to
3 32-9mm, inclusive, of the general statutes, as amended by this act:

4 (1) "Affordable housing" has the same meaning as provided in
5 section 8-39a of the general statutes;

6 (2) "Bona fide prospective purchaser" means a person who acquires
7 ownership of a property after July 1, 2011, and establishes by a
8 preponderance of the evidence that:

9 (A) All disposal of regulated substances at the property occurred
10 before such person acquired the property;

11 (B) Such person made all appropriate inquiries, as set forth in 40
12 CFR Part 312, into the previous ownership and uses of the property in
13 accordance with generally accepted good commercial and customary
14 standards and practices, including, but not limited to, the standards
15 and practices set forth in the ASTM Standard Practice for
16 Environmental Site Assessments, Phase I Environmental Site
17 Assessment Process, E1527-05, as may be amended from time to time.

18 In the case of property in residential or other similar use at the time of
19 purchase by a nongovernmental or noncommercial entity, a property
20 inspection and a title search that reveal no basis for further
21 investigation shall be considered to satisfy the requirements of this
22 subparagraph;

23 (C) Such person provides all legally required notices with respect to
24 the discovery or release of any regulated substances at the property;

25 (D) Such person exercises appropriate care with respect to regulated
26 substances found at the property by taking reasonable steps to (i) stop
27 any continuing release, (ii) prevent any threatened future release, and
28 (iii) prevent or limit human, environmental or natural resource
29 exposure to any previously released regulated substance;

30 (E) Such person provides full cooperation, assistance and access to
31 persons authorized to conduct response actions or natural resource
32 restoration at the property, including, but not limited to, the
33 cooperation and access necessary for the installation, integrity,
34 operation and maintenance of any complete or partial response actions
35 or natural resource restoration at the property;

36 (F) Such person complies with any land use restrictions established
37 or relied on in connection with the response action at the property and
38 does not impede the effectiveness or integrity of any institutional
39 control employed at the property in connection with a response action;
40 and

41 (G) Such person complies with any request for information from the
42 Commissioner of Energy and Environmental Protection;

43 (3) "Brownfield" means any abandoned or underutilized site where
44 redevelopment, reuse or expansion has not occurred due to the
45 presence or potential presence of pollution in the buildings, soil or
46 groundwater that requires investigation or remediation before or in
47 conjunction with the restoration, redevelopment and reuse of the

48 property;

49 (4) "Commissioner" means the Commissioner of Economic and
50 Community Development;

51 (5) "Contiguous property owner" means a person who owns real
52 property contiguous to or otherwise similarly situated with respect to,
53 and that is or may be contaminated by a release or threatened release
54 of a regulated substance from, real property that is not owned by that
55 person, provided:

56 (A) With respect to the property owned by such person, such person
57 takes reasonable steps to (i) stop any continuing release of any
58 regulated substance released on or from the property, (ii) prevent any
59 threatened future release of any regulated substance released on or
60 from the property, and (iii) prevent or limit human, environmental or
61 natural resource exposure to any regulated substance released on or
62 from the property;

63 (B) Such person provides full cooperation, assistance and access to
64 persons authorized to conduct response actions or natural resource
65 restoration at the property from which there has been a release or
66 threatened release, including, but not limited to, the cooperation and
67 access necessary for the installation, integrity, operation and
68 maintenance of any complete or partial response action or natural
69 resource restoration at the property;

70 (C) Such person complies with any land use restrictions established
71 or relied on in connection with the response action at the property and
72 does not impede the effectiveness or integrity of any institutional
73 control employed in connection with a response action;

74 (D) Such person complies with any request for information from the
75 Commissioner of Energy and Environmental Protection; and

76 (E) Such person provides all legally required notices with respect to

77 the discovery or release of any hazardous substances at the property;

78 (6) "Department" means the Department of Economic and
79 Community Development;

80 (7) "Economic development agency" means (A) a municipal
81 economic development agency or entity created or operating under
82 chapter 130 or 132 of the general statutes; (B) a nonprofit economic
83 development corporation formed to promote the common good,
84 general welfare and economic development of a municipality that is
85 funded, either directly or through in-kind services, in part by a
86 municipality; or (C) a nonstock corporation or limited liability
87 company established or controlled by a municipality, municipal
88 economic development agency or an entity created or operating under
89 chapter 130 or 132 of the general statutes;

90 (8) "Eligible costs" means the costs associated with the investigation,
91 assessment, remediation and development of a brownfield, including,
92 but not limited to, (A) soil, groundwater and infrastructure
93 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
94 hazardous materials or waste disposal, (F) long-term groundwater or
95 natural attenuation monitoring, (G) environmental land use
96 restrictions, (H) attorneys' fees, (I) planning, engineering and
97 environmental consulting, and (J) building and structural issues,
98 including demolition, asbestos abatement, polychlorinated biphenyls
99 removal, contaminated wood or paint removal, and other
100 infrastructure remedial activities;

101 (9) "Eligible grant recipient" means a municipality or economic
102 development agency;

103 (10) "Financial assistance" means grants, extensions of credit, loans
104 or loan guarantees, or any combination thereof;

105 (11) "Innocent landowner" has the same meaning as provided in
106 section 22a-452d of the general statutes;

107 (12) "Interim verification" has the same meaning as provided in
108 section 22a-134 of the general statutes, as amended by this act;

109 (13) "Manufacturing facility" means a business establishment
110 classified under sector 31, 32 or 33 of the North American Industrial
111 Classification System;

112 (14) "Municipality" means a town, city, consolidated town and city
113 or consolidated town and borough;

114 (15) "PCB regulations" means the polychlorinated biphenyls
115 manufacturing, processing, distribution in commerce and use
116 prohibitions found at 40 CFR Part 761;

117 (16) "Person" means any individual, firm, partnership, association,
118 syndicate, company, trust, corporation, limited liability company,
119 municipality, economic development agency, agency or political or
120 administrative subdivision of the state and any other legal entity;

121 (17) "Real property" means land, buildings and other structures and
122 improvements thereto, subterranean or subsurface rights, any and all
123 easements, air rights and franchises of any kind or nature;

124 (18) "Regulated substance" means petroleum, any flammable
125 substance, any extremely hazardous substance, as defined in 40 CFR
126 355, any hazardous substance, as defined in 40 CFR 302, or
127 polychlorinated biphenyls in concentrations greater than fifty parts per
128 million;

129 (19) "Release" means any discharge, spillage, uncontrolled loss,
130 seepage, filtration, leakage, injection, escape, dumping, pumping,
131 pouring, emitting, emptying or disposal of a substance;

132 (20) "Remediation standards" has the same meaning as provided in
133 section 22a-134 of the general statutes, as amended by this act;

134 (21) "State" means the state of Connecticut;

135 (22) "UST regulations" means the regulations adopted pursuant to
136 subsection (d) of section 22a-449 of the general statutes; and

137 (23) "Verification" has the same meaning as provided in section 22a-
138 134 of the general statutes, as amended by this act.

139 (b) Any relevant term in section 3, 5, 7 or 9 of this act or section 32-
140 9cc, 32-9ee, 32-9gg or 32-9kk to 32-9mm, inclusive, of the general
141 statutes, as amended by this act, that is not defined in this section shall
142 be defined in accordance with the definitions in chapter 445 of the
143 general statutes.

144 Sec. 2. Section 32-9cc of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective October 1, 2013*):

146 (a) There is established, within the Department of Economic and
147 Community Development, an Office of Brownfield Remediation and
148 Development. Such office shall be managed by a director, appointed
149 by the commissioner in accordance with section 5-198. In addition to
150 the other powers, duties and responsibilities provided for in this
151 chapter, the office shall promote and encourage the [and
152 redevelopment] remediation and development of brownfields in the
153 state. The Office of Brownfield Remediation and Development shall
154 coordinate and cooperate with state and local agencies and individuals
155 within the state on brownfield redevelopment initiatives, including
156 program development and administration, community outreach,
157 regional coordination and seeking federal funding opportunities.

158 (b) The office shall:

159 (1) Develop procedures and policies for streamlining the process for
160 brownfield remediation and development;

161 (2) Identify existing and potential sources of funding for brownfield
162 remediation and develop procedures for expediting the application for
163 and release of such funds;

164 (3) Establish an office and maintain an informational Internet web
165 site to provide assistance and information concerning the state's
166 technical assistance, funding, regulatory and permitting programs for
167 brownfield remediation and development;

168 (4) Provide a single point of contact for financial and technical
169 assistance from the state and quasi-public agencies with regard to
170 brownfield remediation and development;

171 (5) Develop a common application to be used by all state and quasi-
172 public entities providing financial assistance for brownfield
173 assessment, remediation and development;

174 (6) Identify and prioritize state-wide brownfield development
175 opportunities, including, but not limited to, in consultation with the
176 State Historic Preservation Office, municipal officials and regional
177 planning organizations, the identification of abandoned and
178 underutilized mills that are important assets to the municipality or the
179 region in which such mills are located;

180 (7) Develop and [execute] administer a communication and
181 outreach program to educate municipalities, economic development
182 agencies, property owners and potential property owners and other
183 organizations and individuals with regard to state programs for
184 brownfield remediation and redevelopment;

185 (8) At the office's discretion, enter into cooperative agreements with
186 qualified implementing agencies and may, where appropriate, make
187 grants to [these] such organizations for the purpose of designing,
188 implementing and supervising brownfield assessment and cleanups,
189 or making further subgrants, provided each subgrant is in compliance
190 with the terms and conditions of the original grant; and

191 (9) Create and maintain a web site independent of the department's
192 other web sites that is specifically dedicated to marketing and
193 promoting state-owned brownfields, and develop and implement a

194 marketing campaign for such brownfields and web site.

195 [(c) Subject to the availability of funds, there shall be a state-funded
196 municipal brownfield grant program to identify brownfield
197 remediation economic opportunities in Connecticut municipalities
198 annually. For each round of funding, the Commissioner of Economic
199 and Community Development may select at least six municipalities,
200 one of which shall have a population of less than fifty thousand, one of
201 which shall have a population of more than fifty thousand but less
202 than one hundred thousand, two of which shall have populations of
203 more than one hundred thousand and two of which shall be selected
204 without regard to population. The Commissioner of Economic and
205 Community Development shall designate municipalities in which
206 untreated brownfields hinder economic development and shall make
207 grants under such program to these municipalities or economic
208 development agencies associated with each of the selected
209 municipalities that are likely to produce significant economic
210 development benefit for the designated municipality.]

211 [(d)] (c) The Department of Energy and Environmental Protection,
212 Connecticut Innovations, Incorporated, the Office of Policy and
213 Management and the Department of Public Health shall each
214 designate one or more staff members to act as a liaison between their
215 offices and the Office of Brownfield Remediation and Development.
216 The Commissioners of Economic and Community Development,
217 Energy and Environmental Protection and Public Health, the Secretary
218 of the Office of Policy and Management and the executive director of
219 Connecticut Innovations, Incorporated shall enter into a memorandum
220 of understanding concerning each entity's responsibilities with respect
221 to the Office of Brownfield Remediation and Development. The Office
222 of Brownfield Remediation and Development may recruit two
223 volunteers from the private sector, including a person from the
224 Connecticut chapter of the National Brownfield Association, with
225 experience in different aspects of brownfield remediation and

226 development. Said volunteers may assist the Office of Brownfield
227 Remediation and Development in marketing the [brownfields]
228 brownfield programs and redevelopment activities of the state.

229 [(e)] (d) The Office of Brownfield Remediation and Development
230 may call upon any other department, board, commission or other
231 agency of the state to supply such reports, information and assistance
232 as said office determines is appropriate to carry out its duties and
233 responsibilities. Each officer or employee of such office, department,
234 board, commission or other agency of the state is authorized and
235 directed to cooperate with the Office of Brownfield Remediation and
236 Development and to furnish such reports, information and assistance.

237 [(f) Brownfield sites identified for funding under the grant program
238 established in subsection (c) of this section shall receive priority review
239 status from the Department of Energy and Environmental Protection.
240 Each property funded under this program shall be investigated in
241 accordance with prevailing standards and guidelines and remediated
242 in accordance with the regulations established for the remediation of
243 such sites adopted by the Commissioner of Energy and Environmental
244 Protection or pursuant to section 22a-133k and under the supervision
245 of the department or a licensed environmental professional in
246 accordance with the voluntary remediation program established in
247 section 22a-133x. In either event, the department shall determine that
248 remediation of the property has been fully implemented or that an
249 audit will not be conducted upon submission of a report indicating
250 that remediation has been verified by an environmental professional
251 licensed in accordance with section 22a-133v. Not later than ninety
252 days after submission of the verification report, the Commissioner of
253 Energy and Environmental Protection shall notify the municipality or
254 economic development agency as to whether the remediation has been
255 performed and completed in accordance with the remediation
256 standards, whether an audit will not be conducted, or whether any
257 additional remediation is warranted. For purposes of acknowledging

258 that the remediation is complete, the commissioner or a licensed
259 environmental professional may indicate that all actions to remediate
260 any pollution caused by any release have been taken in accordance
261 with the remediation standards and that no further remediation is
262 necessary to achieve compliance except postremediation monitoring or
263 natural attenuation monitoring.

264 (g) All relevant terms in this subsection, subsection (h) of this
265 section and sections 32-9dd to 32-9ff, inclusive, shall be defined in
266 accordance with the definitions in chapter 445. For purposes of
267 subdivision (12) of subsection (a) of section 32-9t, this subsection,
268 subsection (h) of this section and sections 32-9dd to 32-9gg, inclusive,
269 "brownfields" means any abandoned or underutilized site where
270 redevelopment, reuse or expansion has not occurred due to the
271 presence or potential presence of pollution in the buildings, soil or
272 groundwater that requires investigation or remediation before or in
273 conjunction with the restoration, redevelopment, reuse and expansion
274 of the property.]

275 [(h)] (e) The Departments of Economic and Community
276 Development and Energy and Environmental Protection shall
277 administer the provisions of subdivision (1) of section 22a-134, as
278 amended by this act, section 32-1m, subdivision (12) of subsection (a)
279 of section 32-9t and [sections 32-9cc to 32-9gg, inclusive] sections 3, 5, 7
280 and 9 of this act and sections 32-9cc, 32-9ee, 32-9gg and 32-9kk to 32-
281 9mm, inclusive, as amended by this act, within available
282 appropriations and any funds allocated pursuant to sections 4-66c,
283 22a-133t and 32-9t.

284 Sec. 3. (NEW) (*Effective October 1, 2013*) (a) There is established an
285 account to be known as the "brownfield remediation and development
286 account", which shall be a separate, nonlapsing account within the
287 General Fund. There shall be deposited in the account: (1) The
288 proceeds of bonds issued by the state for deposit into said account and
289 used in accordance with this section; (2) repayments of assistance

290 provided pursuant to subsection (c) of section 22a-133u of the general
291 statutes; (3) interest or other income earned on the investment of
292 moneys in the account; (4) funds recovered pursuant to sections 7 and
293 9 of this act; (5) any proceeds realized by the state from activities
294 pursuant to section 5 of this act or section 32-9kk of the general
295 statutes, as amended by this act; and (6) all funds required by law to be
296 deposited in the account. Any balance remaining in the account at the
297 end of any fiscal year shall be carried forward in the account for the
298 fiscal year next succeeding.

299 (b) All moneys received in consideration of financial assistance,
300 including payments of principal and interest on any loans made
301 pursuant to section 5 of this act, shall be credited to the account and
302 shall become part of the assets of the account. At the discretion of the
303 Commissioner of Economic and Community Development and subject
304 to the approval of the Secretary of the Office of Policy and
305 Management, any federal, private or other moneys received by the
306 state in connection with projects undertaken pursuant to section 32-
307 9kk of the general statutes, as amended by this act, or section 5 of this
308 act shall be credited to the assets of the account.

309 (c) Notwithstanding any provision of law, proceeds from the sale of
310 bonds available pursuant to subdivision (1) of subsection (b) of section
311 4-66c of the general statutes may, with the approval of the Governor
312 and the State Bond Commission, be used to capitalize the account.

313 (d) The commissioner may use funds in the account (1) to provide
314 financial assistance for the remediation and development of
315 brownfields in the state pursuant to section 32-9kk of the general
316 statutes, as amended by this act, or section 5 of this act, and (2) for
317 administrative costs not to exceed five per cent of such funds.

318 Sec. 4. Section 32-9kk of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2013*):

320 [(a) As used in subsections (b) to (k), inclusive, of this section:

321 (1) "Brownfield" means any abandoned or underutilized site where
322 redevelopment, reuse or expansion has not occurred due to the
323 presence or potential presence of pollution in the buildings, soil or
324 groundwater that requires investigation or remediation before or in
325 conjunction with the restoration, redevelopment and reuse of the
326 property;

327 (2) "Commissioner" means the Commissioner of Economic and
328 Community Development;

329 (3) "Department" means the Department of Economic and
330 Community Development;

331 (4) "Eligible applicant" means any municipality, a for-profit or
332 nonprofit organization or entity, or economic development agency or
333 any combination thereof;

334 (5) "Financial assistance" means grants, extensions of credit, loans or
335 loan guarantees, participation interests in loans made to eligible
336 applicants by Connecticut Innovations, Incorporated or combinations
337 thereof;

338 (6) "Municipality" means a town, city, consolidated town and city or
339 consolidated town and borough;

340 (7) "Eligible brownfield project" means the foreclosure,
341 investigation, assessment, remediation and development of a
342 brownfield undertaken pursuant to this subsection and subsections (b)
343 to (k), inclusive, of this section;

344 (8) "Project area" means the area within which a brownfield
345 development project is located;

346 (9) "Real property" means land, buildings and other structures and
347 improvements thereto, subterranean or subsurface rights, any and all

348 easements, air rights and franchises of any kind or nature;

349 (10) "State" means the state of Connecticut;

350 (11) "Eligible grant recipients" means municipalities or economic
351 development agencies; and

352 (12) "Economic development agency" means (A) a municipal
353 economic development agency or entity created or operating under
354 chapter 130 or 132; (B) a nonprofit economic development corporation
355 formed to promote the common good, general welfare and economic
356 development of a municipality that is funded, either directly or
357 through in-kind services, in part by a municipality; or (C) a nonstock
358 corporation or limited liability company established or controlled by a
359 municipality, municipal economic development agency or an entity
360 created or operating under chapter 130 or 132.

361 (b) Subject to the availability of funds, the Commissioner of
362 Economic and Community Development may, in consultation with the
363 Commissioner of Energy and Environmental Protection, provide
364 financial assistance pursuant to subsections (e) and (f) of this section in
365 support of eligible brownfield projects, as defined in subdivision (7) of
366 subsection (a) of this section.

367 (c) An eligible applicant, as defined in subdivision (4) of subsection
368 (a) of this section, shall submit an application for financial assistance to
369 the Commissioner of Economic and Community Development on
370 forms provided by said commissioner and with such information said
371 commissioner deems necessary, including, but not limited to: (1) A
372 description of the proposed project; (2) an explanation of the expected
373 benefits of the project in relation to the purposes of subsections (a) to
374 (i), inclusive, of this section; (3) information concerning the financial
375 and technical capacity of the eligible applicant to undertake the
376 proposed project; (4) a project budget; (5) a description of the condition
377 of the property involved including the results of any environmental

378 assessment of the property; and (6) the names of any persons known to
379 be liable for the remediation of the property.

380 (d) The commissioner may approve, reject or modify any
381 application properly submitted. In reviewing an application and
382 determining the type and amount of financial assistance, if any, to be
383 provided, the commissioner shall consider the following criteria: (1)
384 The availability of funds; (2) the estimated costs of assessing and
385 remediating the site, if known; (3) the relative economic condition of
386 the municipality; (4) the relative need of the eligible project for
387 financial assistance; (5) the degree to which financial assistance is
388 necessary as an inducement to the eligible applicant to undertake the
389 project; (6) the public health and environmental benefits of the project;
390 (7) relative economic benefits of the project to the municipality, the
391 region and the state, including, but not limited to, the extent to which
392 the project will likely result in a contribution to the municipality's tax
393 base and the retention and creation of jobs; (8) the time frame in which
394 the contamination occurred; (9) the relationship of the applicant to the
395 person or entity that caused the contamination; (10) the length of time
396 the property has been abandoned; (11) the taxes owed and the
397 projected revenues that may be restored to the community; (12) the
398 type of financial assistance requested pursuant to this section; and (13)
399 such other criteria as the commissioner may establish consistent with
400 the purposes of subsection (a) to (k), inclusive, of this section.]

401 [(e) (1)] (a) There is established a remedial action and
402 redevelopment municipal grant program to be administered by the
403 Department of Economic and Community Development for the
404 purpose of providing [financial assistance in the form of grants to
405 eligible grant recipients. Eligible grant recipients may use grant funds
406 for any development project, including manufacturing, retail,
407 residential, municipal, educational, parks, community centers and
408 mixed-use development, and the project's associated costs, including
409 (A) soil, groundwater and infrastructure investigation, (B) assessment,

410 (C) remediation, (D) abatement, (E) hazardous materials or waste
411 disposal, (F) long-term groundwater or natural attenuation
412 monitoring, (G) environmental land use restrictions, (H) attorneys'
413 fees, (I) planning, engineering and environmental consulting, and (J)
414 building and structural issues, including demolition, asbestos
415 abatement, polychlorinated biphenyls removal, contaminated wood or
416 paint removal, and other infrastructure remedial activities.] grants to
417 municipalities and economic development agencies for the eligible
418 costs of brownfield remediation projects and reasonable administrative
419 expenses not to exceed five per cent of any grant awarded.

420 (b) An eligible grant recipient shall submit an application to the
421 Commissioner of Economic and Community Development on forms
422 provided by the commissioner and with such information the
423 commissioner deems necessary, including, but not limited to: (1) A
424 description of the proposed project; (2) an explanation of the expected
425 benefits of the project in relation to the purposes of this section; (3)
426 information concerning the financial and technical capacity of the
427 applicant to undertake the proposed project; (4) a project budget; (5) a
428 description of the condition of the brownfield involved, including the
429 results of any environmental assessment of the brownfield; and (6) the
430 names of any persons known to be liable for the remediation of the
431 brownfield.

432 (c) The commissioner may approve, reject or modify any application
433 properly submitted. In reviewing an application and determining the
434 amount of the grant, if any, to be provided, the commissioner shall
435 consider the following criteria: (1) The availability of funds; (2) the
436 estimated costs of assessing and remediating the brownfield, if known;
437 (3) the relative economic condition of the municipality in which the
438 brownfield is located; (4) the relative need of the project for financial
439 assistance; (5) the degree to which a grant under this section is
440 necessary to induce the applicant to undertake the project; (6) the
441 public health and environmental benefits of the project; (7) the relative

442 economic benefits of the project to the municipality, the region and the
443 state, including, but not limited to, the extent to which the project will
444 likely result in a contribution to the municipality's tax base and the
445 retention and creation of jobs; (8) the time frame in which the
446 contamination occurred; (9) the relationship of the applicant to the
447 person or entity that caused the contamination; (10) the length of time
448 the brownfield has been abandoned; (11) the taxes owed and the
449 projected revenues that may be restored to the community; and (12)
450 such other criteria as the commissioner may establish consistent with
451 the purposes of this section.

452 [(2)] (d) The [Commissioner of Economic and Community
453 Development] commissioner shall award grants on a competitive
454 basis, based at a minimum on an annual request for applications. [, the
455 first of which shall be issued on October 1, 2008, and the following to
456 be issued on June first each year, with awards being made by the
457 following January first.] The commissioner [, at the commissioner's
458 discretion,] may increase the frequency of requests for applications
459 and awards depending upon the number of applicants and the
460 availability of funding.

461 [(3)] (e) A grant awarded pursuant to this section shall not exceed
462 four million dollars. If the eligible costs exceed four million dollars, the
463 [commissioner] eligible grant recipient may request and seek funding
464 through other state programs.

465 [(4) If the eligible grant recipient develops and sells the property,
466 such applicant shall return any money received pursuant to this
467 subsection, to the brownfield remediation and development account
468 established pursuant to subsection (l) of this section, minus twenty per
469 cent, which such eligible grant recipient shall retain to cover costs of
470 oversight, administration, development and, if applicable, lost tax
471 revenue.

472 (5) Any eligible grant recipient shall be immune from liability to the

473 extent provided in subsection (a) of section 32-9ee.]

474 [(6)] (f) The eligible grant recipient may make low-interest loans to a
 475 brownfield redeveloper [, if the future reuse is known and an
 476 agreement with the redeveloper is in place and the private party is a
 477 coapplicant] if (1) such recipient coapplied for the grant under this
 478 section with such brownfield redeveloper, and (2) not later than forty-
 479 five days after receiving the grant, such recipient enters into a written
 480 agreement with such brownfield redeveloper for an identified future
 481 reuse of such brownfield after remediation. Loan principal and interest
 482 payments shall be returned to the brownfield remediation and
 483 development account established pursuant to [subsection (l) of this
 484 section] section 3 of this act, minus twenty per cent of the principal,
 485 which the eligible grant recipient shall retain. If the eligible grant
 486 recipient provides a loan, such loan may be secured by a state or
 487 municipal lien on the property.

488 [(7)] (g) Any eligible grant [recipients] recipient that [provide]
 489 provides a loan pursuant to [subdivision (6) of this] subsection (f) of
 490 this section shall require the loan recipient to enter a voluntary
 491 program pursuant to section 22a-133x or 22a-133y with the
 492 Commissioner of Energy and Environmental Protection for brownfield
 493 remediation. [The commissioner may use not more than five per cent
 494 of eligible grant or loan proceeds for reasonable administrative
 495 expenses.]

496 [(8) Notwithstanding section 22a-134a, the eligible grant recipient
 497 may acquire and convey its interest in the property without such
 498 recipient or the subsequent purchaser incurring liability, including any
 499 such liability incurred pursuant to section 22a-134a, provided the
 500 property was remediated pursuant to section 22a-133x or 22a-133y or
 501 pursuant to an order issued by the Commissioner of Energy and
 502 Environmental Protection and such remediation was performed in
 503 accordance with the standards adopted pursuant to section 22a-133k as
 504 determined by said commissioner or, if authorized by said

505 commissioner, verified by a licensed environmental professional
506 unless such verification has been rejected by said commissioner
507 subsequent to an audit conducted by said commissioner and provided
508 the subsequent purchaser has no direct or related liability for the site
509 conditions.

510 (f) (1) The Department of Economic and Community Development
511 shall develop a targeted brownfield development loan program to
512 provide financial assistance in the form of low-interest loans to eligible
513 applicants who are potential brownfield purchasers who have no
514 direct or related liability for the site conditions and eligible applicants
515 who are existing property owners who (A) are currently in good
516 standing and otherwise compliant with the Department of Energy and
517 Environmental Protection's regulatory programs, (B) demonstrate an
518 inability to fund the investigation and cleanup themselves, and (C)
519 cannot retain or expand jobs due to the costs associated with the
520 investigating and remediating of the contamination.

521 (2) The commissioner shall provide low-interest loans to eligible
522 applicants who are purchasers or existing property owners pursuant to
523 this section who seek to develop property for purposes of retaining or
524 expanding jobs in the state or for developing affordable housing units,
525 suitable for first-time home buyers, incentive housing zones,
526 workforce housing and other residential purposes, as approved by the
527 commissioner. Loans shall be available to manufacturing, retail,
528 residential or mixed-use developments, expansions or reuses. The
529 commissioner shall provide loans based upon project merit and
530 viability, the economic and community development opportunity,
531 municipal support, contribution to the community's tax base, number
532 of jobs, past experience of the applicant, compliance history and ability
533 to pay.

534 (3) Any loan recipient who is a brownfields purchaser and who (A)
535 receives a loan in excess of thirty thousand dollars, or (B) uses loan
536 proceeds to perform a Phase II environmental investigation, shall be

537 subject to section 22a-134a or shall enter a voluntary program for
538 remediation of the property with the Department of Energy and
539 Environmental Protection. Any loan recipient who is an existing
540 property owner shall enter a voluntary program with the Department
541 of Energy and Environmental Protection.

542 (4) Loans made pursuant to this subsection shall have such terms
543 and conditions and shall be subject to such eligibility, loan approval
544 and criteria, as determined by the commissioner. Such conditions shall
545 include, but not be limited to, performance requirements and
546 commitments to maintain or retain jobs or provide a specified number
547 of affordable housing units. Loan repayment shall coincide with the
548 restoration of the site to a productive use or the completion of the
549 expansion. Such loans shall be for a period not to exceed twenty years.

550 (5) If the property is sold before loan repayment, the loan is payable
551 upon closing, with interest, unless the commissioner agrees otherwise.
552 The commissioner may carry the loan forward as an encumbrance to
553 the purchaser with the same terms and conditions as the original loan.

554 (6) Loans made pursuant to this subsection may be used for any
555 purpose, including the present or past costs of investigation,
556 assessment, remediation, abatement, hazardous materials or waste
557 disposal, long-term groundwater or natural attenuation monitoring,
558 costs associated with an environmental land use restriction, attorneys'
559 fees, planning, engineering and environmental consulting costs, and
560 building and structural issues, including demolition, asbestos
561 abatement, polychlorinated biphenyls removal, contaminated wood or
562 paint removal, and other infrastructure remedial activities.

563 (7) For any loan made pursuant to this subsection that is greater
564 than fifty thousand dollars, the applicant shall submit a redevelopment
565 plan that describes how the property will be used or reused for
566 commercial, industrial, residential or mixed-use development and how
567 it will result in jobs and private investment in the community. For any

568 residential development loan pursuant to this subsection, the
569 developer shall agree that the development will provide the affordable
570 housing needs reasonable and appropriate for first-time home buyers
571 or for workforce housing or recent college graduates looking to remain
572 in this state.

573 (8) The loan program established pursuant to this subsection shall
574 be available to all qualified new and existing property owners.
575 Recipients who use loans for commercial, industrial or mixed-use
576 development shall agree to retain or add jobs, during the term of the
577 loan, unless otherwise agreed to by the Department of Economic and
578 Community Development, Connecticut Innovations, Incorporated and
579 the Connecticut Brownfield Redevelopment Authority. The residential
580 developer shall agree to retire the loan upon sale of the units unless the
581 development will be apartments.

582 (9) Each loan recipient pursuant to this subsection may be eligible
583 for up to two million dollars per year for up to two years, subject to
584 agency underwriting and reasonable and customary requirements to
585 assure performance. If additional funds are needed, the Commissioner
586 of Economic and Community Development may recommend that the
587 project be funded through the State Bond Commission.

588 (10) The loan program established pursuant to this subsection shall
589 be available to all municipalities and economic development agencies,
590 and the commissioner may modify the terms of any such loan to a
591 municipality or economic development agency to provide for
592 forgiveness of interest, principal, or both, or delay in repayment of
593 interest, principal, or both, when the commissioner has determined
594 such forgiveness or delay is in the best interest of the state.

595 (g) The Commissioner of Economic and Community Development
596 shall approve applications submitted in accordance with subsection (c)
597 of this section before awarding any financial assistance to an eligible
598 applicant or purchasing any participation interest in a loan made by

599 Connecticut Innovations, Incorporated for the benefit of an eligible
600 applicant. Notwithstanding any other provision of this section, if the
601 applicant's request for financial assistance involves the department
602 purchasing a participation interest in a loan made by Connecticut
603 Innovations, Incorporated, such authority may submit such
604 application and other information as is required of eligible applicants
605 under subsection (c) of this section on behalf of such eligible applicant
606 and no further application shall be required of such eligible applicant.
607 No financial assistance shall exceed fifty per cent of the total project
608 cost, provided in the case of (1) planning or site evaluation projects,
609 and (2) financial assistance to any project in a targeted investment
610 community, such assistance shall not exceed ninety per cent of the
611 project cost. Upon approval of the commissioner, a nonstate share of
612 the total project cost, if any, may be satisfied entirely or partially from
613 noncash contributions, including contributions of real property, from
614 private sources or, to the extent permitted by federal law, from moneys
615 received by the municipality under any federal grant program.

616 (h) Financial assistance may be made available for (1) site
617 investigation and assessment, (2) planning and engineering, including,
618 but not limited to, the reasonable cost of environmental consultants,
619 laboratory analysis, investigatory and remedial contractors, architects,
620 attorneys' fees, feasibility studies, appraisals, market studies and
621 related activities, (3) the acquisition of real property, provided
622 financial assistance for such acquisition shall not exceed fair market
623 value as appraised as if clean, (4) the construction of site and
624 infrastructure improvements related to the site remediation, (5)
625 demolition, asbestos abatement, hazardous waste removal, PCB
626 removal and related infrastructure remedial activities, (6) remediation,
627 groundwater monitoring, including, but not limited to, natural
628 attenuation groundwater monitoring and costs associated with filing
629 an environmental land use restriction, (7) environmental insurance,
630 and (8) other reasonable expenses the commissioner determines are
631 necessary or appropriate for the initiation, implementation and

632 completion of the project. The department may purchase participation
633 interests in loans made by Connecticut Innovations, Incorporated for
634 the foregoing purposes.

635 (i) The commissioner may establish the terms and conditions of any
636 financial assistance provided pursuant to subsections (a) to (k),
637 inclusive, of this section. The commissioner may make any stipulation
638 in connection with an offer of financial assistance the commissioner
639 deems necessary to implement the policies and purposes of such
640 sections, including, but not limited to the following: (1) Providing
641 assurances that the eligible applicant will discharge its obligations in
642 connection with the project; and (2) requiring that the eligible
643 applicant provide the department with appropriate security for such
644 financial assistance, including, but not limited to, a letter of credit, a
645 lien on real property or a security interest in goods, equipment,
646 inventory or other property of any kind.

647 (j) The commissioner may use any available funds for financial
648 assistance under the provisions of subsections (a) to (k), inclusive, of
649 this section and may use such funds for the staffing, marketing and
650 web site development for the programs established pursuant to
651 subsections (a) to (k), inclusive, of this section and the administration
652 of the Office of Brownfield Remediation and Development established
653 pursuant to section 32-9cc, provided such costs do not exceed four per
654 cent of any such funds authorized.

655 (k) Whenever funds are used pursuant to subsections (a) to (k),
656 inclusive, of this section for purposes of environmental assessments or
657 remediation of a brownfield, the Commissioner of Energy and
658 Environmental Protection may seek reimbursement of the costs and
659 expenses incurred by requesting the Attorney General to bring a civil
660 action to recover such costs and expenses from any party responsible
661 for such pollution, provided no such action shall be brought separately
662 from any action to recover costs and expenses incurred by the
663 Commissioner of Energy and Environmental Protection in pursuing

664 action to contain, remove or mitigate any pollution on such site. The
665 costs and expenses recovered may include, but shall not be limited to,
666 (1) the actual cost of identifying, evaluating, planning for and
667 undertaking the remediation of the site; (2) any administrative costs
668 not exceeding ten per cent of the actual costs; (3) the costs of
669 recovering the reimbursement; and (4) interest on the actual costs at a
670 rate of ten per cent a year from the date such expenses were paid. The
671 defendant in any civil action brought pursuant to this subsection shall
672 have no cause of action or claim for contribution against any person
673 with whom the Commissioner of Energy and Environmental
674 Protection has entered into a covenant not to sue pursuant to sections
675 22a-133aa and 22a-133bb with respect to pollution on or emanating
676 from the property that is the subject of said civil action. Funds
677 recovered pursuant to this section shall be deposited in the brownfield
678 remediation and development account established pursuant to
679 subsections (l) to (o), inclusive, of this section. The provisions of this
680 subsection shall be in addition to any other remedies provided by law.

681 (l) There is established a separate nonlapsing account within the
682 General Fund to be known as the "brownfield remediation and
683 development account". There shall be deposited in the account: (1) The
684 proceeds of bonds issued by the state for deposit into said account and
685 used in accordance with this section; (2) repayments of assistance
686 provided pursuant to subsection (c) of section 22a-133u; (3) interest or
687 other income earned on the investment of moneys in the account; (4)
688 funds recovered pursuant to subsections (i) and (k) of this section; and
689 (5) all funds required by law to be deposited in the account.
690 Repayment of principal and interest on loans made pursuant to
691 subsections (a) to (k), inclusive, of this section shall be credited to such
692 account and shall become part of the assets of the account. Any
693 balance remaining in such account at the end of any fiscal year shall be
694 carried forward in the account for the fiscal year next succeeding.

695 (m) All moneys received in consideration of financial assistance,

696 including payments of principal and interest on any loans, shall be
697 credited to the account. At the discretion of the Commissioner of
698 Economic and Community Development and subject to the approval
699 of the Secretary of the Office of Policy and Management, any federal,
700 private or other moneys received by the state in connection with
701 projects undertaken pursuant to subsections (a) to (k), inclusive, of this
702 section shall be credited to the assets of the account.

703 (n) Notwithstanding any provision of law, proceeds from the sale of
704 bonds available pursuant to subdivision (1) of subsection (b) of section
705 4-66c may, with the approval of the Governor and the State Bond
706 Commission, be used to capitalize the brownfield remediation and
707 development account created by subsections (l) to (o), inclusive, of this
708 section.

709 (o) The commissioner may, with the approval of the Secretary of the
710 Office of Policy and Management, provide financial assistance
711 pursuant to subsections (a) to (k), inclusive, of this section from the
712 account established under subsection (l) to (o), inclusive, of this
713 section.]

714 Sec. 5. (NEW) (*Effective October 1, 2013*) (a) The Department of
715 Economic and Community Development shall develop a targeted
716 brownfield development loan program to provide low-interest loans
717 for the eligible costs of brownfield remediation projects to (1) potential
718 brownfield purchasers who have no direct or related liability for the
719 conditions of the brownfield, and (2) current brownfield owners who
720 (A) are currently in good standing and otherwise compliant with the
721 Department of Energy and Environmental Protection's regulatory
722 programs, (B) demonstrate an inability to fund the investigation and
723 cleanup themselves, and (C) cannot retain or expand jobs due to the
724 costs associated with the investigating and remediating of the
725 contamination.

726 (b) The department shall provide loans to potential brownfield

727 purchasers or existing brownfield owners pursuant to subsection (a) of
728 this section who seek to develop brownfields for purposes of (1)
729 reducing blight, (2) retaining or expanding jobs in the state, or (3)
730 developing affordable housing units suitable for (A) first-time home
731 buyers, (B) incentive housing zones, (C) workforce housing, (D) recent
732 college graduates looking to remain in the state, or (E) other residential
733 purposes as approved by the Commissioner of Economic and
734 Community Development. Loans shall be available for manufacturing,
735 retail, residential or mixed-use developments, expansions or reuses.

736 (c) An applicant for a loan pursuant to this section shall submit an
737 application to the Commissioner of Economic and Community
738 Development on forms provided by the commissioner and with such
739 information the commissioner deems necessary, including, but not
740 limited to: (1) A description of the proposed project; (2) an explanation
741 of the expected benefits of the project in relation to the purposes of this
742 section; (3) information concerning the financial and technical capacity
743 of the applicant to undertake the proposed project; (4) a project budget;
744 (5) a description of the condition of the brownfield involved, including
745 the results of any environmental assessment of the brownfield; and (6)
746 the names of any persons known to be liable for the remediation of the
747 brownfield. The commissioner shall provide loans based upon project
748 merit and viability, the economic and community development
749 opportunity, municipal support, contribution to the community's tax
750 base, number of jobs, past experience of the applicant, compliance
751 history and ability to pay.

752 (d) A loan recipient who is a brownfield purchaser and who (1)
753 receives a loan in excess of thirty thousand dollars, or (2) uses loan
754 proceeds to perform a Phase II environmental investigation, shall be
755 subject to section 22a-134a of the general statutes or shall enter a
756 program for remediation of the property pursuant to section 22a-133x
757 or 22a-133y of the general statutes. A loan recipient who is a current
758 brownfield owner shall enter such program.

759 (e) Loans made pursuant to this section shall have such terms and
760 conditions and be subject to such eligibility and loan approval criteria
761 as determined by the commissioner, including, but not limited to,
762 performance requirements and (1) blight reduction, (2) commitments
763 to maintain or retain jobs, or (3) commitments to provide a specified
764 number of affordable housing units. Loan repayment shall coincide
765 with the restoration of the site to a productive use or the completion of
766 the expansion. Such loans shall be for a period not to exceed twenty
767 years.

768 (f) If a loan recipient sells a property subject to a loan granted
769 pursuant to this section before the loan is repaid, the loan shall be
770 payable upon closing, with interest, unless (1) such property is an
771 apartment building or complex, or (2) the commissioner agrees
772 otherwise. The commissioner may carry the loan forward as an
773 encumbrance to the purchaser with the same terms and conditions as
774 the original loan.

775 (g) For any loan made pursuant to this section that is greater than
776 fifty thousand dollars, the applicant shall submit a redevelopment plan
777 that describes how the property will be used or reused for commercial,
778 industrial, residential or mixed-use development and how it will result
779 in jobs and private investment in the community.

780 (h) A loan recipient may be eligible for a loan of not more than two
781 million dollars per year for not more than two years, subject to agency
782 underwriting and reasonable and customary requirements to assure
783 performance. If additional funds are required, the commissioner may
784 recommend that the project be funded through the State Bond
785 Commission.

786 (i) The commissioner may modify the terms of any loan made to a
787 municipality or economic development agency pursuant to this section
788 to provide for forgiveness of interest, principal, or both, or delay in
789 repayment of interest, principal, or both, when the commissioner

790 determines such forgiveness or delay is in the best interest of the state.

791 Sec. 6. Section 32-9gg of the general statutes is repealed and the
792 following is substituted in lieu thereof (*Effective October 1, 2013*):

793 [(a) For purposes of this section, "brownfield" has the same
794 definition as in 42 USC 9601 and "manufacturing establishments"
795 means manufacturing establishments as defined in the North
796 American Industrial Classification System, United States Office of
797 Management and Budget, 1997 edition.

798 (b) Existing owners of manufacturing facilities designated as
799 brownfield sites shall be eligible for any available remediation funds,
800 provided such owners demonstrate to the funding authority's
801 satisfaction they did not cause the release of any hazardous substances
802 or petroleum at the brownfield or provided the owner demonstrates
803 the following:

804 (1) It did not knowingly cause injury to human health or the
805 environment as a result of its disposal of hazardous substances or
806 petroleum; and

807 (2) It has never been found guilty of knowingly or wilfully violating
808 an environmental law.

809 (c) In determining what funds shall be made available for
810 brownfield remediation, the funding authority shall consider an
811 owner's ability to pay some or all of the remediation costs. Said
812 authority shall give preference to owners that demonstrate a limited
813 ability to pay for such remediation.

814 (d) In providing funds pursuant to this section, the funding
815 authority may impose the following conditions:

816 (1) The owner receiving the funds not transfer title of the property
817 for a set period of not more than ten years;

818 (2) The owner receiving funds reimburse the state for such funds in
819 the event that it receives funds for remediation from other sources; or

820 (3) The owner receiving funds continues to employ residents of the
821 state for a set period of not less than ten years.]

822 Notwithstanding any provision of section 5 of this act, a current
823 owner of a manufacturing facility located within a brownfield shall be
824 eligible for a loan pursuant to section 5 of this act, provided such
825 owner demonstrates that (1) such owner did not cause the release of
826 petroleum or any hazardous substance at the brownfield, or (2) (A)
827 such owner did not knowingly cause injury to human health or the
828 environment as a result of its disposal of petroleum or any hazardous
829 substance, and (B) such owner has never been found guilty of
830 knowingly or wilfully violating any environmental law. In
831 determining whether a loan shall be made available for brownfield
832 remediation, the commissioner shall consider such owner's ability to
833 pay some or all of the remediation costs. The commissioner shall give
834 preference to owners that demonstrate a limited ability to pay for such
835 remediation.

836 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) No financial assistance
837 granted pursuant to section 32-9kk of the general statutes, as amended
838 by this act, or section 5 of this act shall exceed fifty per cent of the total
839 project cost, provided in the case of (1) planning or site evaluation
840 projects, or (2) financial assistance to any project in a targeted
841 investment community, as defined in section 32-222 of the general
842 statutes, such assistance shall not exceed ninety per cent of the project
843 cost. Upon approval of the commissioner, a nonstate share of the total
844 project cost, if any, may be satisfied entirely or partially from noncash
845 contributions, including contributions of real property, from private
846 sources or, to the extent permitted by federal law, from moneys
847 received by the municipality under any federal grant program.

848 (b) The commissioner may establish the terms and conditions of any

849 financial assistance provided pursuant to section 32-9kk of the general
850 statutes, as amended by this act, or section 5 of this act. The
851 commissioner may make any stipulation in connection with an offer of
852 financial assistance the commissioner deems necessary to implement
853 the policies and purposes of section 32-9kk of the general statutes, as
854 amended by this act, or section 5 of this act, including, but not limited
855 to, (1) a requirement of assurance from a grant or loan recipient that
856 such recipient will discharge its obligations in connection with the
857 project, (2) a requirement that a grant or loan recipient provide the
858 department with appropriate security for such financial assistance,
859 including, but not limited to, a letter of credit, a lien on real property or
860 a security interest in goods, equipment, inventory or other property of
861 any kind, and (3) a requirement that a grant or loan recipient
862 reimburse the state for such financial assistance in the event that it
863 receives funds for remediation from other sources.

864 Sec. 8. Section 32-9ee of the general statutes is repealed and the
865 following is substituted in lieu thereof (*Effective October 1, 2013*):

866 (a) [Any municipality, economic development agency or entity
867 established under chapter 130 or 132, nonprofit economic development
868 corporation formed to promote the common good, general welfare and
869 economic development of a municipality that is funded, either directly
870 or through in-kind services, in part by a municipality, or a nonstock
871 corporation or limited liability company controlled or established by a
872 municipality, municipal economic development agency or entity
873 created or operating under chapter 130 or 132 that receives grants
874 through the Office of Brownfield Remediation and Development or the
875 Department of Economic and Community Development, including
876 those municipalities designated by the Commissioner of Economic and
877 Community Development as part of the municipal brownfield grant
878 program established in subsection (c) of section 32-9cc] Any recipient
879 of a grant pursuant to section 32-9kk, as amended by this act, for the
880 investigation and remediation of a brownfield property shall be

881 considered an innocent [party] landowner and shall not be liable under
882 section 22a-432, 22a-433, 22a-451 or 22a-452 for conditions pre-existing
883 or existing on the brownfield property as of the date of acquisition or
884 control, [as long as the municipality, economic development agency or
885 entity established under chapter 130 or 132, nonprofit economic
886 development corporation formed to promote the common good,
887 general welfare and economic development of a municipality that is
888 funded, either directly or through in-kind services, in part by a
889 municipality, or a nonstock corporation or limited liability company
890 controlled or established by a municipality, municipal economic
891 development agency or entity created or operating under chapter 130
892 or 132] provided such recipient (1) did not establish, cause or
893 contribute to the discharge, spillage, uncontrolled loss, seepage or
894 filtration of such hazardous substance, material, waste or pollution
895 that is subject to remediation under section 22a-133k and funded by
896 the Office of Brownfield Remediation and Development or the
897 Department of Economic and Community Development; (2) does not
898 exacerbate the conditions; and (3) complies with reporting of
899 significant environmental hazard requirements in section 22a-6u. To
900 the extent that any conditions are exacerbated, [the municipality,
901 economic development agency or entity established under chapter 130
902 or 132, nonprofit economic development corporation formed to
903 promote the common good, general welfare and economic
904 development of a municipality that is funded, either directly or
905 through in-kind services, in part by a municipality, or nonstock
906 corporation or limited liability company controlled or established by a
907 municipality, municipal economic development agency or entity
908 created or operating under chapter 130 or 132] such recipient shall only
909 be responsible for responding to contamination exacerbated by its
910 negligent or reckless activities.

911 (b) [In determining what funds shall be made available for an
912 eligible brownfield remediation, the Commissioner of Economic and
913 Community Development shall consider (1) the economic

914 development opportunities such reuse and redevelopment may
915 provide, (2) the feasibility of the project, (3) the environmental and
916 public health benefits of the project, and (4) the contribution of the
917 reuse and redevelopment to the municipality's tax base.] Upon
918 remediation as approved by the Department of Energy and
919 Environmental Protection of a brownfield property by a recipient of a
920 grant pursuant to section 32-9kk, as amended by this act, such
921 recipient may transfer the property to any person, provided such
922 person is not otherwise liable under section 22a-432, 22a-433, 22a-451
923 or 22a-452. The person who acquires title pursuant to this section shall
924 not be liable under section 22a-432, 22a-433, 22a-451 or 22a-452,
925 provided such person (1) does not cause or contribute to the discharge,
926 spillage, uncontrolled loss, seepage or filtration of such hazardous
927 substance, material or waste, and (2) such person is not a member,
928 officer, manager, director, shareholder, subsidiary, successor of,
929 related to, or affiliated with, directly or indirectly, the person who is
930 otherwise liable under section 22a-432, 22a-433, 22a-451 or 22a-452. The
931 Commissioner of Energy and Environmental Protection shall provide
932 such person with a covenant not to sue pursuant to section 22a-133aa
933 and shall not require the prospective purchaser or owner to pay a fee.

934 (c) If a recipient of a grant pursuant to section 32-9kk, as amended
935 by this act, sells the brownfield that was remediated with a grant
936 provided pursuant to said section, such recipient shall return any
937 funds received pursuant to section 32-9kk, as amended by this act, to
938 the brownfield remediation and development account established
939 pursuant to section 3 of this act, minus (1) such recipient's costs
940 associated with the acquisition of the brownfield, (2) all eligible costs,
941 and (3) twenty per cent of the gross sales proceeds, which such
942 recipient shall retain to cover the costs of oversight, administration,
943 development and, if applicable, lost tax revenue.

944 [(c)] (d) No person shall acquire title to or hold, possess or maintain
945 any interest in a property that has been remediated [in accordance

946 with the municipal brownfield grant program established in
 947 subsection (c) of section 32-9cc] with a grant provided pursuant to
 948 section 32-9kk, as amended by this act, if such person (1) is liable
 949 under section 22a-432, 22a-433, 22a-451 or 22a-452, [;] (2) is otherwise
 950 responsible, directly or indirectly, for the discharge, spillage,
 951 uncontrolled loss, seepage or filtration of such hazardous substance,
 952 material or waste, [;] (3) is a member, officer, manager, director,
 953 shareholder, subsidiary, successor of, related to, or affiliated with,
 954 directly or indirectly, the person who is otherwise liable to under
 955 section 22a-432, 22a-433, 22a-451 or 22a-452, [;] or (4) is or was an
 956 owner, operator or tenant. If such person elects to acquire title to or
 957 hold, possess or maintain any interest in the property, that person shall
 958 reimburse the state of Connecticut, the municipality and the economic
 959 development agency for any and all costs expended to perform the
 960 investigation and remediation of the property, plus interest at a rate of
 961 eighteen per cent.

962 (e) Notwithstanding section 22a-134a, a recipient of a grant
 963 pursuant to section 32-9kk, as amended by this act, may acquire and
 964 convey its interest in the property without such recipient or the
 965 subsequent purchaser incurring liability, including any such liability
 966 incurred pursuant to section 22a-134a, provided the property was
 967 remediated pursuant to section 22a-133x or 22a-133y or pursuant to an
 968 order issued by the Commissioner of Energy and Environmental
 969 Protection and such remediation was (1) performed in accordance with
 970 the standards adopted pursuant to section 22a-133k, as determined by
 971 said commissioner, or (2) if authorized by said commissioner, verified
 972 by a licensed environmental professional unless such verification has
 973 been rejected by said commissioner subsequent to an audit conducted
 974 by said commissioner and provided the subsequent purchaser has no
 975 direct or related liability for the site conditions.

976 Sec. 9. (NEW) (*Effective October 1, 2013*) (a) Whenever funds are used
 977 pursuant to section 32-9kk of the general statutes, as amended by this

978 act, or section 5 of this act for purposes of environmental assessments
979 or remediation of a brownfield, the Commissioner of Energy and
980 Environmental Protection may seek reimbursement of the costs and
981 expenses incurred by requesting the Attorney General to bring a civil
982 action to recover such costs and expenses from any party responsible
983 for such pollution, provided no such action shall be brought separately
984 from any action to recover costs and expenses incurred by the
985 Commissioner of Energy and Environmental Protection in pursuing
986 action to contain, remove or mitigate any pollution on such site. The
987 costs and expenses recovered in an action brought pursuant to this
988 section may include, but shall not be limited to: (1) The actual cost of
989 identifying, evaluating, planning for and undertaking the remediation
990 of the site; (2) any administrative costs not exceeding ten per cent of
991 the actual costs; (3) the costs of recovering the reimbursement; and (4)
992 interest on the actual costs at a rate of ten per cent a year from the date
993 such expenses were paid.

994 (b) The defendant in any civil action brought pursuant to this
995 subsection shall have no cause of action or claim for contribution
996 against any person with whom the Commissioner of Energy and
997 Environmental Protection has entered into a covenant not to sue
998 pursuant to sections 22a-133aa and 22a-133bb of the general statutes
999 with respect to pollution on or emanating from the property that is the
1000 subject of said civil action.

1001 (c) Any funds recovered pursuant to this section shall be deposited
1002 in the brownfield remediation and development account established
1003 pursuant to section 3 of this act. The provisions of this section shall be
1004 in addition to any other remedies provided by law.

1005 Sec. 10. Section 32-91l of the general statutes is repealed and the
1006 following is substituted in lieu thereof (*Effective October 1, 2013*):

1007 (a) There is established an abandoned brownfield cleanup program.
1008 The Commissioner of Economic and Community Development shall

1009 determine, in consultation with the Commissioner of Energy and
1010 Environmental Protection, properties and persons eligible for said
1011 program.

1012 (b) For a person [, a municipality] or a property to be eligible, the
1013 Commissioner of Economic and Community Development shall
1014 determine if (1) the property is a brownfield, as defined in section [32-
1015 9kk, and such property] 1 of this act, that has been unused or
1016 significantly underused for at least five years before an application is
1017 filed with the commissioner pursuant to subsection [(g)] (h) of this
1018 section; (2) such person [or municipality] intends to acquire title to
1019 such property for the purpose of redeveloping such property; (3) the
1020 redevelopment of such property has a regional or municipal economic
1021 development benefit; (4) such person [or municipality] did not
1022 establish or create a facility or condition at or on such property that can
1023 reasonably be expected to create a source of pollution to the waters of
1024 the state for the purposes of section 22a-432 and is not affiliated with
1025 any person responsible for such pollution or source of pollution
1026 through any direct or indirect familial relationship or any contractual,
1027 corporate or financial relationship other than a relationship by which
1028 such owner's interest in such property is to be conveyed or financed;
1029 (5) such person [or municipality] is not otherwise required by law, an
1030 order or consent order issued by the Commissioner of Energy and
1031 Environmental Protection or a stipulated judgment to remediate
1032 pollution on or emanating from such property; (6) the person
1033 responsible for pollution on or emanating from the property is
1034 indeterminable, is no longer in existence, is required by law to
1035 remediate releases on and emanating from the property or is otherwise
1036 unable to perform necessary remediation of such property; and (7) the
1037 property and the person meet any other criteria said commissioner
1038 deems necessary.

1039 [(c) For the purposes of this section, "municipality" means a
1040 municipality, economic development agency or entity established

1041 under chapter 130 or 132, nonprofit economic development
1042 corporation formed to promote the common good, general welfare and
1043 economic development of a municipality that is funded, either directly
1044 or through in-kind services, in part by a municipality, or a nonstock
1045 corporation or limited liability company controlled or established by a
1046 municipality, municipal economic development agency or entity
1047 created or operating under chapter 130 or 132.]

1048 [(d)] (c) Notwithstanding the provisions of subsection (b) of this
1049 section, a property owned by a municipality shall not be subject to
1050 subdivision (6) of subsection (b) of this section.

1051 [(e)] (d) Notwithstanding the provisions of subsection (b) of this
1052 section, a municipality may request the Commissioner of Economic
1053 and Community Development to determine if a property is eligible
1054 regardless of the person who currently owns such property.

1055 [(f)] (e) Notwithstanding subsection (b) of this section, the
1056 Commissioner of Economic and Community Development may waive
1057 the requirement of subdivision (1) of subsection (b) of this section, if
1058 the person [or municipality] seeking eligibility under this section
1059 otherwise demonstrates the eligibility of the property and the value of
1060 the redevelopment of such property.

1061 [(g)] (f) Upon designation by the Commissioner of Economic and
1062 Community Development, in consultation with the Commissioner of
1063 Energy and Environmental Protection, of an eligible person [or
1064 municipality] that holds title to such property, such eligible person [,
1065 or municipality] shall (1) enter and remain in the voluntary
1066 remediation program established in section 22a-133x; (2) investigate
1067 pollution on such property in accordance with prevailing standards
1068 and guidelines and remediate pollution on such property in
1069 accordance with regulations established for remediation adopted by
1070 the Commissioner of Energy and Environmental Protection and in
1071 accordance with applicable schedules; and (3) eliminate further

1072 emanation or migration of any pollution from such property.

1073 [(h)] (g) An eligible person [or municipality] that has been accepted
1074 by the commissioner or that holds title to an eligible property
1075 designated to be in the abandoned brownfield cleanup program shall
1076 not be responsible for investigating or remediating any pollution or
1077 source of pollution that has emanated from such property prior to such
1078 person taking title to such property, and shall not be liable to the state
1079 or any third party for the release of any regulated substance at or from
1080 the eligible property prior to taking title to such eligible property
1081 except and only to the extent that such applicant caused or contributed
1082 to the release of a regulated substance that is subject to remediation or
1083 negligently or recklessly exacerbated such condition.

1084 [(i)] (h) Any applicant seeking a designation of eligibility for a
1085 person or a property under the abandoned brownfield cleanup
1086 program shall apply to the Commissioner of Economic and
1087 Community Development at such times and on such forms as the
1088 commissioner may prescribe.

1089 [(j)] (i) Not later than sixty days after receipt of the application, the
1090 Commissioner of Economic and Community Development shall
1091 determine if the application is complete and shall notify the applicant
1092 of such determination.

1093 [(k)] (j) Not later than ninety days after determining that the
1094 application is complete, the Commissioner of Economic and
1095 Community Development shall determine whether to include the
1096 property and applicant in the abandoned brownfield cleanup program.

1097 [(l)] (k) Designation of a property in the abandoned brownfield
1098 cleanup program by the Commissioner of Economic and Community
1099 Development shall not limit the applicant's or any other person's
1100 ability to seek funding for such property under any other brownfield
1101 grant or loan program administered by the Department of Economic

1102 and Community Development, Connecticut Innovations, Incorporated
1103 or the Department of Energy and Environmental Protection.

1104 ~~[(m)]~~ (l) Designation of a property in the abandoned brownfield
1105 cleanup program by the Commissioner of Economic and Community
1106 Development shall exempt such eligible person ~~[or eligible~~
1107 ~~municipality]~~ from filing as an establishment pursuant to sections 22a-
1108 134a to 22a-134d, inclusive, if such real property or prior business
1109 operations constitute an establishment.

1110 ~~[(n)]~~ (m) Upon completion of the requirements of subsection ~~[(g)]~~ (f)
1111 of this section to the satisfaction of the Commissioner of Energy and
1112 Environmental Protection, such person ~~[or municipality]~~ shall qualify
1113 for a covenant not to sue from the Commissioner of Energy and
1114 Environmental Protection without fee, pursuant to section 22a-133aa,
1115 as amended by this act.

1116 ~~[(o)]~~ (n) Any person ~~[or municipality]~~ designated as an eligible
1117 person under the abandoned brownfield cleanup program shall be
1118 considered an innocent ~~[party]~~ landowner and shall not be liable to the
1119 Commissioner of Energy and Environmental Protection or any person
1120 under section 22a-432, 22a-433, 22a-451 or 22a-452 or other similar
1121 statute or common law for conditions preexisting or existing on the
1122 brownfield property as of the date of acquisition or control as long as
1123 the person or municipality (1) did not establish, cause or contribute to
1124 the discharge, spillage, uncontrolled loss, seepage or filtration of such
1125 hazardous substance, material, waste or pollution; (2) does not
1126 exacerbate the conditions; and (3) complies with reporting of
1127 significant environmental hazard requirements in section 22a-6u. To
1128 the extent that any conditions are exacerbated, the person or
1129 municipality shall only be responsible for responding to contamination
1130 exacerbated by its negligent or reckless activities.

1131 ~~[(p)]~~ (o) Any person ~~[or municipality]~~ that acquires a property in the
1132 abandoned brownfield cleanup program shall apply to the

1133 Commissioner of Economic and Community Development on a form
1134 prescribed by [said] the commissioner to determine if such person or
1135 municipality qualifies as an eligible party under the abandoned
1136 brownfield cleanup program. If the [Commissioner of Economic and
1137 Community Development] commissioner determines that such person
1138 or municipality is an eligible party, such eligible party shall be subject
1139 to the provisions of this section, and shall receive liability relief
1140 pursuant to subsections [(h), (m), (n) and (o)] (g), (l), (m) and (n) of this
1141 section.

1142 Sec. 11. Section 32-9mm of the general statutes is repealed and the
1143 following is substituted in lieu thereof (*Effective October 1, 2013*):

1144 [(a) As used in this section:

1145 (1) "Bona fide prospective purchaser" means a person that acquires
1146 ownership of a property after July 1, 2011, and establishes by a
1147 preponderance of the evidence that:

1148 (A) All disposal of regulated substances at the property occurred
1149 before the person acquired the property;

1150 (B) Such person made all appropriate inquiries, as set forth in 40
1151 CFR Part 312, into the previous ownership and uses of the property in
1152 accordance with generally accepted good commercial and customary
1153 standards and practices, including, but not limited to, the standards
1154 and practices set forth in the ASTM Standard Practice for
1155 Environmental Site Assessments, Phase I Environmental Site
1156 Assessment Process, E1527-05, as may be amended from time to time.
1157 In the case of property in residential or other similar use at the time of
1158 purchase by a nongovernmental or noncommercial entity, a property
1159 inspection and a title search that reveal no basis for further
1160 investigation shall be considered to satisfy the requirements of this
1161 subparagraph;

1162 (C) Such person provides all legally required notices with respect to

1163 the discovery or release of any regulated substances at the property;

1164 (D) Such person exercises appropriate care with respect to regulated
1165 substances found at the property by taking reasonable steps to (i) stop
1166 any continuing release, (ii) prevent any threatened future release, and
1167 (iii) prevent or limit human, environmental or natural resource
1168 exposure to any previously released regulated substance;

1169 (E) Such person provides full cooperation, assistance and access to
1170 persons authorized to conduct response actions or natural resource
1171 restoration at the property, including, but not limited to, the
1172 cooperation and access necessary for the installation, integrity,
1173 operation and maintenance of any complete or partial response actions
1174 or natural resource restoration at the property;

1175 (F) Such person complies with any land use restrictions established
1176 or relied on in connection with the response action at the property and
1177 does not impede the effectiveness or integrity of any institutional
1178 control employed at the property in connection with a response action;
1179 and

1180 (G) Such person complies with any request for information from the
1181 Commissioner of Energy and Environmental Protection.

1182 (2) "Brownfield" has the same meaning as provided in section 32-
1183 9kk.

1184 (3) "Brownfield investigation plan and remediation schedule" means
1185 a plan and schedule for investigation and a schedule for remediation
1186 of an eligible property under this section. Such investigation plan and
1187 remediation schedule shall include both interim status or other
1188 appropriate interim target dates and a date for project completion not
1189 later than eight years after a licensed environmental professional
1190 submits such investigation plan and remediation schedule to the
1191 Commissioner of Energy and Environmental Protection, provided the
1192 Commissioner of Energy and Environmental Protection may extend

1193 such dates for good cause. The plan shall provide a schedule for
1194 activities including, but not limited to, completion of the investigation
1195 of the property in accordance with prevailing standards and
1196 guidelines, submittal of a complete investigation report, submittal of a
1197 detailed written plan for remediation, publication of notice of remedial
1198 actions, completion of remediation in accordance with standards
1199 adopted by said commissioner pursuant to section 22a-133k and
1200 submittal to said commissioner of a remedial action report. Except as
1201 otherwise provided in this section, in any detailed written plan for
1202 remediation submitted under this section, the applicant shall only be
1203 required to investigate and remediate conditions existing within the
1204 property boundaries and shall not be required to investigate or
1205 remediate any pollution or contamination that exists outside of the
1206 property's boundaries, including any contamination that may exist or
1207 has migrated to sediments, rivers, streams or off site.

1208 (4) "Commissioner" means the Commissioner of Economic and
1209 Community Development.

1210 (5) "Contiguous property owner" means a person who owns real
1211 property contiguous to or otherwise similarly situated with respect to,
1212 and that is or may be contaminated by a release or threatened release
1213 of a regulated substance from, real property that is not owned by that
1214 person, provided:

1215 (A) With respect to the property owned by such person, such person
1216 takes reasonable steps to (i) stop any continuing release of any
1217 regulated substance released on or from the property, (ii) prevent any
1218 threatened future release of any regulated substance released on or
1219 from the property, and (iii) prevent or limit human, environmental or
1220 natural resource exposure to any regulated substance released on or
1221 from the property;

1222 (B) Such person provides full cooperation, assistance and access to
1223 persons authorized to conduct response actions or natural resource

1224 restoration at the property from which there has been a release or
1225 threatened release, including, but not limited to, the cooperation and
1226 access necessary for the installation, integrity, operation and
1227 maintenance of any complete or partial response action or natural
1228 resource restoration at the property;

1229 (C) Such person complies with any land use restrictions established
1230 or relied on in connection with the response action at the property and
1231 does not impede the effectiveness or integrity of any institutional
1232 control employed in connection with a response action;

1233 (D) Such person complies with any request for information from the
1234 Commissioner of Energy and Environmental Protection; and

1235 (E) Such person provides all legally required notices with respect to
1236 the discovery or release of any hazardous substances at the property.

1237 (6) "Distressed municipality" has the same meaning as provided in
1238 section 32-9p.

1239 (7) "Economic development agency" means a municipality,
1240 municipal economic development agency or entity created or
1241 operating under chapter 130 or 132, nonprofit economic development
1242 corporation formed to promote the common good, general welfare and
1243 economic development of a municipality that is funded, either directly
1244 or through in-kind services, in part by a municipality, or nonstock
1245 corporation or limited liability company established or controlled by a
1246 municipality, municipal economic development agency or entity
1247 created or operating under chapter 130 or 132.

1248 (8) "Innocent landowner" has the same meaning as provided in
1249 section 22a-452d.

1250 (9) "Interim verification" has the same meaning as provided in
1251 section 22a-134.

1252 (10) "Municipality" has the same meaning as in section 32-9kk.

1253 (11) "National priorities list" means the list of hazardous waste
1254 disposal sites compiled by the United States Environmental Protection
1255 Agency pursuant to 42 USC 9605.

1256 (12) "PCB regulations" means the polychlorinated biphenyls
1257 manufacturing, processing, distribution in commerce and use
1258 prohibitions found at 40 CFR Part 761.

1259 (13) "Person" means any individual, firm, partnership, association,
1260 syndicate, company, trust, corporation, limited liability company,
1261 municipality, economic development agency, agency or political or
1262 administrative subdivision of the state and any other legal entity.

1263 (14) "Principles of smart growth" means standards and objectives
1264 that support and encourage smart growth when used to guide actions
1265 and decisions, including, but not limited to, standards and criteria for
1266 (A) integrated planning or investment that coordinates tax,
1267 transportation, housing, environmental and economic development
1268 policies at the state, regional and local level, (B) the reduction of
1269 reliance on the property tax by municipalities by creating efficiencies
1270 and coordination of services on the regional level while reducing
1271 interlocal competition for grand list growth, (C) the redevelopment of
1272 existing infrastructure and resources, including, but not limited to,
1273 brownfields and historic places, (D) transportation choices that
1274 provide alternatives to automobiles, including rail, public transit,
1275 bikeways and walking, while reducing energy consumption, (E) the
1276 development or preservation of housing affordable to households of
1277 varying income in locations proximate to transportation or
1278 employment centers or locations compatible with smart growth, (F)
1279 concentrated, mixed-use, mixed income development proximate to
1280 transit nodes and civic, employment or cultural centers, and (G) the
1281 conservation and protection of natural resources by (i) preserving open
1282 space, water resources, farmland, environmentally sensitive areas and

1283 historic properties, and (ii) furthering energy efficiency.

1284 (15) "Regulated substance" means any element, compound or
1285 material that, when added to air, water, soil or sediment, may alter the
1286 physical, chemical, biological or other characteristic of such air, water,
1287 soil or sediment.

1288 (16) "Release" means any discharge, spillage, uncontrolled loss,
1289 seepage, filtration, leakage, injection, escape, dumping, pumping,
1290 pouring, emitting, emptying or disposal of a substance.

1291 (17) "Remediation standards" has the same meaning as provided in
1292 section 22a-134.

1293 (18) "RCRA" means the Resource Conservation and Recovery Act
1294 promulgated pursuant to 42 USC.

1295 (19) "Smart growth" means economic, social and environmental
1296 development that (A) promotes, through financial and other
1297 incentives, economic competitiveness in the state while preserving
1298 natural resources, and (B) uses a collaborative approach to planning,
1299 decision-making and evaluation between and among all levels of
1300 government and the communities and the constituents they serve.

1301 (20) "State of Connecticut Superfund Priority List" means the list of
1302 hazardous waste disposal sites compiled by the Connecticut
1303 Department of Energy and Environmental Protection pursuant to
1304 section 22a-133f.

1305 (21) "Transit-oriented development" has the same meaning as
1306 provided in section 13b-79o.

1307 (22) "UST regulations" means regulations adopted pursuant to
1308 subsection (d) of section 22a-449.

1309 (23) "Verification" has the same meaning as provided in section 22a-
1310 134.]

1311 [(b)] (a) The commissioner shall, within available appropriations,
 1312 establish a brownfield remediation and revitalization program to
 1313 provide certain liability protections to program participants. Not more
 1314 than thirty-two properties a year shall be accepted into the program.
 1315 Participation in the program shall be by accepted application pursuant
 1316 to this subsection or by approved nomination pursuant to subsection
 1317 [(d)] (c) of this section. To be considered for acceptance, an applicant
 1318 shall submit to the commissioner, on a form prescribed by the
 1319 commissioner, a certification that: (1) The applicant meets the
 1320 definition of a bona fide prospective purchaser, innocent [land owner]
 1321 landowner or contiguous property owner; (2) the property meets the
 1322 definition of a brownfield and has been subject to a release of a
 1323 regulated substance in an amount that is in excess of the remediation
 1324 standards; (3) the applicant did not establish, create or maintain a
 1325 source of pollution to the waters of the state for purposes of section
 1326 22a-432 and is not responsible pursuant to any other provision of the
 1327 general statutes for any pollution or source of pollution on the
 1328 property; (4) the applicant is not affiliated with any person responsible
 1329 for such pollution or source of pollution through any direct or indirect
 1330 familial relationship or any contractual, corporate or financial
 1331 relationship other than that by which such purchaser's interest in such
 1332 property is to be conveyed or financed; and (5) the property is not (A)
 1333 currently the subject of an enforcement action, including any consent
 1334 order issued by the Department of Energy and Environmental
 1335 Protection or the United States Environmental Protection Agency
 1336 under any current Department of Energy and Environmental
 1337 Protection or United States Environmental Protection Agency
 1338 program, (B) listed on the national priorities list [,] of hazardous waste
 1339 disposal sites compiled by the United States Environmental Protection
 1340 Agency pursuant to 42 USC 9605, (C) listed on the State of Connecticut
 1341 Superfund Priority List, or (D) subject to corrective action as may be
 1342 required by [RCRA] the federal Resource Conservation and Recovery
 1343 Act of 1976, 42 USC 6901 et seq. The commissioner may review such
 1344 certifications to ensure accuracy, in consultation with the

1345 Commissioner of Energy and Environmental Protection, and
1346 applications will not be considered if such certifications are found
1347 inaccurate.

1348 ~~[(c)]~~ (b) To ensure a geographic distribution and a diversity of
1349 projects and broad access to the brownfield remediation and
1350 revitalization program, the commissioner, in consultation with the
1351 Commissioner of Energy and Environmental Protection, shall review
1352 all applications received and determine admission of eligible
1353 properties into the brownfield remediation and revitalization program
1354 taking into consideration state-wide portfolio factors including: (1) Job
1355 creation and retention; (2) sustainability; (3) readiness to proceed; (4)
1356 geographic distribution of projects; (5) population of the municipality
1357 where the property is located; (6) project size; (7) project complexity;
1358 (8) duration and degree to which the property has been underused; (9)
1359 projected increase to the municipal grand list; (10) consistency of the
1360 property as remediated and developed with municipal or regional
1361 planning objectives; (11) development plan's support for and
1362 furtherance of principles of smart growth, as defined in section 1 of
1363 public act 09-230, or transit-oriented development, as defined in
1364 section 13b-79o; and (12) other factors as may be determined by the
1365 commissioner. Admittance into the brownfield remediation and
1366 revitalization program shall not indicate approval or award of funding
1367 requested under any federal, state or municipal grant or loan program,
1368 including, but not limited to, any state brownfield grant or loan
1369 program.

1370 ~~[(d)]~~ (c) The commissioner shall accept nominations of properties for
1371 participation in the program established pursuant to subsection ~~[(b)]~~
1372 (a) of this section by a municipality or an economic development
1373 agency, where no bona fide prospective purchaser, contiguous
1374 property owner or innocent ~~[land owner]~~ landowner has applied for
1375 participation in the program. For a property to be considered for
1376 approval for nomination to the program established pursuant to this

1377 section, a municipality shall submit to the commissioner, on a form
 1378 prescribed by the commissioner, a certification that the property meets
 1379 the eligibility requirements provided in subdivisions (2) and (5) of
 1380 subsection [(b)] (a) of this section and any other relevant factors,
 1381 including state-wide portfolio factors provided in subsection [(c)] (b) of
 1382 this section, as may be determined by the commissioner. After the
 1383 commissioner approves a property's nomination, any subsequent
 1384 applicant shall apply in accordance with subsections [(b) and (g)] (a)
 1385 and (f) of this section. In any such application, the applicant shall
 1386 demonstrate it satisfies the eligibility requirements provided in
 1387 subdivisions (1), (3) and (4) of subsection [(b)] (a) of this section and
 1388 shall demonstrate satisfaction of subdivisions (2) and (5) of subsection
 1389 [(b)] (a) of this section for the period after the commissioner's
 1390 acceptance of the municipality's or economic development agency's
 1391 nomination of the property.

1392 [(e)] (d) (1) Properties otherwise eligible for the brownfield
 1393 remediation and revitalization program currently being investigated
 1394 and remediated in accordance with the state voluntary remediation
 1395 programs under sections 22a-133x and 22a-133y, the property transfer
 1396 program under section 22a-134, as amended by this act, and the
 1397 covenant not to sue programs under section 22a-133aa or 22a-133bb
 1398 shall not be excluded from eligibility in said program, provided the
 1399 other requirements set forth in this section are met.

1400 (2) Properties otherwise eligible for the brownfield remediation and
 1401 revitalization program that have been subject to a release requiring
 1402 action pursuant to the PCB regulations or that have been subject to a
 1403 release requiring action pursuant to the UST regulations shall not be
 1404 deemed ineligible, but no provision of this section shall affect any
 1405 eligible party's obligation under such regulations to investigate or
 1406 remediate the extent of any such release.

1407 [(f)] (e) Inclusion of a property within the brownfield remediation
 1408 and revitalization program by the commissioner shall not limit any

1409 person's ability to seek funding for such property under any federal,
1410 state or municipal grant or loan program, including, but not limited to,
1411 any state brownfield grant or loan program. Admittance into the
1412 brownfield remediation and revitalization program shall not indicate
1413 approval or award of funding requested under any federal, state or
1414 municipal grant or loan program, including, but not limited to, any
1415 state brownfield grant or loan program.

1416 ~~[(g)]~~ (f) Any applicant seeking a designation of eligibility for a
1417 person or a property under the brownfield remediation and
1418 revitalization program shall apply to the commissioner at such times
1419 and on such forms as the commissioner may prescribe. The application
1420 shall include, but not be limited to, (1) a title search, (2) the Phase I
1421 Environmental Site Assessment conducted by or for the bona fide
1422 prospective purchaser or the contiguous property owner, which shall
1423 be prepared in accordance with prevailing standards and guidelines,
1424 (3) a current property inspection, (4) documentation demonstrating
1425 satisfaction of the eligibility criteria set forth in subsection ~~[(b)]~~ (a) of
1426 this section, (5) information about the project that relates to the state-
1427 wide portfolio factors set forth in subsection ~~[(c)]~~ (b) of this section,
1428 and (6) such other information as the commissioner may request to
1429 determine admission.

1430 ~~[(h)]~~ (g) Any applicant accepted into the brownfield remediation
1431 and revitalization program by the commissioner shall pay the
1432 Commissioner of Energy and Environmental Protection a fee equal to
1433 five per cent of the assessed value of the land, as stated on the last-
1434 completed grand list of the relevant town. The fee shall be paid in two
1435 installments, each equal to fifty per cent of such fee, subject to potential
1436 reductions as specified in subsection ~~[(i)]~~ (h) of this section. The first
1437 installment shall be due not later than one hundred eighty days after
1438 the later of the date ~~[the eligible]~~ such applicant is notified that the
1439 application has been accepted by the commissioner or the date that
1440 ~~[the eligible]~~ such applicant takes title to the eligible property. The

1441 second installment shall be due not later than four years after the
1442 acceptance date. Upon request by [an eligible] such applicant, a
1443 municipality or an economic development agency, the commissioner
1444 may, at the commissioner's discretion, extend either or both of the
1445 installment due dates. Such fee shall be deposited into the Special
1446 Contaminated Property Remediation and Insurance Fund established
1447 pursuant to section 22a-133t and shall be available for use by the
1448 Commissioner of Energy and Environmental Protection pursuant to
1449 section 22a-133u, as amended by this act.

1450 [(i)] (h) (1) The first installment of the fee in subsection [(h)] (g) of
1451 this section shall be reduced by ten per cent for any eligible party that
1452 completes and submits to the Commissioner of Energy and
1453 Environmental Protection documentation, approved in writing by a
1454 licensed environmental professional and on a form prescribed by said
1455 commissioner, that the investigation of the property has been
1456 completed in accordance with prevailing standards and guidelines
1457 within one hundred eighty days after the date the application is
1458 accepted by the commissioner.

1459 (2) The second installment of the fee in subsection [(h)] (g) of this
1460 section shall be eliminated for any eligible party that submits the
1461 remedial action report and verification or interim verification to the
1462 Commissioner of Energy and Environmental Protection within four
1463 years after the date the application is accepted by the commissioner. In
1464 the event an eligible party submits a request for the Commissioner of
1465 Energy and Environmental Protection's approval, where such approval
1466 is required pursuant to the remediation standard and where said
1467 commissioner issues a decision on such request beyond sixty days
1468 after submittal, such four-year period shall be extended by the number
1469 of days equal to the number of days between the sixtieth day and the
1470 date a decision is issued by said commissioner, but not including the
1471 number of days that a request by said commissioner for supplemental
1472 information remains pending with the eligible party.

1473 (3) The second installment of the fee in subsection [(h)] (g) of this
1474 section shall be reduced by, or any eligible party shall receive a refund
1475 in the amount equal to, twice the reasonable environmental service
1476 costs of such investigation, as determined by the Commissioner of
1477 Energy and Environmental Protection, for any eligible party that
1478 completes and submits to the Commissioner of Energy and
1479 Environmental Protection documentation, approved in writing by a
1480 licensed environmental professional and on a form that may be
1481 prescribed by said commissioner, that the investigation of the nature
1482 and extent of any contamination that has migrated from the property
1483 has been completed in accordance with prevailing standards and
1484 guidelines. Such refund shall not exceed the amount of the second
1485 installment of the fee in subsection [(h)] (g) of this section.

1486 (4) No municipality or economic development agency seeking
1487 designation of eligibility shall be required to pay a fee, provided, upon
1488 transfer of the eligible property from the municipality or economic
1489 development agency to an eligible person, that eligible person shall
1490 pay to the Commissioner of Energy and Environmental Protection the
1491 fee in subsection [(h)] (g) of this section in accordance with the
1492 applicable requirements in this subsection.

1493 (5) A municipality or economic development agency may submit a
1494 fee waiver request to the commissioner to waive a portion or the entire
1495 fee for an eligible property located within that municipality. The
1496 commissioner, at his or her discretion, shall consider the following
1497 factors in determining whether to approve a fee waiver or reduction:
1498 (A) Location of the [eligible project] brownfield within a distressed
1499 municipality, as defined in section 32-9p; (B) demonstration by the
1500 municipality or economic development agency that the project is of
1501 significant economic impact; (C) demonstration by the municipality or
1502 economic development agency that the project has a significant
1503 community benefit to the municipality; (D) demonstration that the
1504 eligible party is a governmental or nonprofit entity; and (E)

1505 demonstration that the fee required will have a detrimental effect on
1506 the overall success of the project.

1507 [(j)] (i) An applicant whose application has been accepted into the
1508 brownfield remediation and revitalization program shall not be liable
1509 to the state or any third party for the release of any regulated
1510 substance at or from the eligible property, except and only to the
1511 extent that such applicant (A) caused or contributed to the release of a
1512 regulated substance that is subject to remediation or exacerbated such
1513 condition, or (B) the Commissioner of Energy and Environmental
1514 Protection determines the existence of any of the conditions set forth in
1515 subdivision (4) of subsection [(n)] (m) of this section.

1516 [(k)] (j) (1) An applicant whose application to the brownfield
1517 remediation and revitalization program has been accepted by the
1518 commissioner (A) shall investigate the release or threatened release of
1519 any regulated substance within the boundaries of the property in
1520 accordance with prevailing standards and guidelines and remediate
1521 such release or threatened release within the boundaries of such
1522 property in accordance with the brownfield investigation plan and
1523 remediation schedule and this section, and (B) shall not be required to
1524 characterize, abate and remediate the release of a regulated substance
1525 beyond the boundary of the eligible property, except for releases
1526 caused or contributed to by such applicant.

1527 (2) Not later than one hundred eighty days after the first installment
1528 due date, including any extension thereof by the commissioner, of the
1529 fee required pursuant to subsection [(h)] (g) of this section, the eligible
1530 party shall submit to the commissioner and the Commissioner of
1531 Energy and Environmental Protection a brownfield investigation plan
1532 and remediation schedule that is signed and stamped by a licensed
1533 environmental professional. Unless otherwise approved in writing by
1534 the Commissioner of Energy and Environmental Protection, [the
1535 eligible party shall submit a] such brownfield investigation plan and
1536 remediation schedule [which provides] shall provide that (A) the

1537 investigation shall be completed not later than two years after the first
1538 installment due date, including any extension thereof by the
1539 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1540 this section, (B) remediation shall be initiated not later than three years
1541 from the first installment due date, including any extension thereof by
1542 the commissioner, of the fee required pursuant to subsection [(h)] (g)
1543 of this section, and (C) remediation shall be completed sufficiently to
1544 support either a verification or interim verification not later than eight
1545 years after the first installment due date, including any extension
1546 thereof by the commissioner, of the fee required pursuant to
1547 subsection [(h)] (g) of this section. The schedule shall also include a
1548 schedule for providing public notice of the remediation prior to the
1549 initiation of such remediation in accordance with subdivision (1) of
1550 subsection [(k)] (j) of this section. Not later than two years after the first
1551 installment due date, including any extension thereof by the
1552 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1553 this section, unless the Commissioner of Energy and Environmental
1554 Protection has specified a later day, in writing, the eligible party shall
1555 submit to the Commissioner of Energy and Environmental Protection
1556 documentation, approved in writing by a licensed environmental
1557 professional and in a form prescribed by the Commissioner of Energy
1558 and Environmental Protection, that the investigation of the property
1559 has been completed in accordance with prevailing standards and
1560 guidelines. Not later than three years after the first installment due
1561 date, including any extension thereof by the commissioner, of the fee
1562 required pursuant to subsection [(h)] (g) of this section, unless the
1563 Commissioner of Energy and Environmental Protection has specified a
1564 later day, in writing, the eligible party shall notify the Commissioner of
1565 Energy and Environmental Protection and the commissioner in a form
1566 prescribed by the Commissioner of Energy and Environmental
1567 Protection that the remediation has been initiated, and shall submit to
1568 the Commissioner of Energy and Environmental Protection a remedial
1569 action plan, approved in writing by a licensed environmental
1570 professional in a form prescribed by the Commissioner of Energy and

1571 Environmental Protection. Not later than eight years after the first
1572 installment due date, including any extension thereof by the
1573 commissioner, of the fee required pursuant to subsection [(h)] (g) of
1574 this section, unless the Commissioner of Energy and Environmental
1575 Protection has specified a later day, in writing, the eligible party shall
1576 complete remediation of the property and submit the remedial action
1577 report and verification or interim verification to the Commissioner of
1578 Energy and Environmental Protection and the commissioner. The
1579 Commissioner of Energy and Environmental Protection shall grant a
1580 reasonable extension if the eligible party demonstrates to the
1581 satisfaction of the Commissioner of Energy and Environmental
1582 Protection that: [(A)] (i) Such eligible party has made reasonable
1583 progress toward investigation and remediation of the eligible
1584 property; and [(B)] (ii) despite best efforts, circumstances beyond the
1585 control of the eligible party have significantly delayed the remediation
1586 of the eligible property.

1587 (3) An eligible party who submits an interim verification for an
1588 eligible property, and any subsequent owner of such eligible property,
1589 shall, until the remediation standards for groundwater are achieved,
1590 (A) operate and maintain the long-term remedy for groundwater in
1591 accordance with the remedial action plan, the interim verification and
1592 any approvals issued by the Commissioner of Energy and
1593 Environmental Protection, (B) prevent exposure to any groundwater
1594 plume containing a regulated substance in excess of the remediation
1595 standards on the property, (C) take all reasonable action to contain any
1596 groundwater plume on the property, and (D) submit annual status
1597 reports to the Commissioner of Energy and Environmental Protection
1598 and the commissioner.

1599 (4) Before commencement of remedial action pursuant to the plan
1600 and schedule, the eligible party shall: (A) Publish notice of the
1601 remedial action in a newspaper having a substantial circulation in the
1602 town where the property is located, (B) notify the director of health of

1603 the municipality where the property is located, and (C) either (i) erect
1604 and maintain for at least thirty days in a legible condition a sign not
1605 less than six feet by four feet on the property, which shall be clearly
1606 visible from the public highway and shall include the words
1607 "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR
1608 FURTHER INFORMATION CONTACT:" and include a telephone
1609 number for an office from which any interested person may obtain
1610 additional information about the remedial action, or (ii) mail notice of
1611 the remedial action to each owner of record of property which abuts
1612 such property, at the address on the last-completed grand list of the
1613 relevant town. Public comments shall be directed to the eligible party
1614 for a thirty-day period starting with the last provided public notice
1615 provision and such eligible party shall provide all comments and any
1616 responses to the Commissioner of Energy and Environmental
1617 Protection prior to commencing remedial action.

1618 (5) The remedial action shall be conducted under the supervision of
1619 a licensed environmental professional and the remedial action report
1620 shall be submitted to the commissioner and the Commissioner of
1621 Energy and Environmental Protection signed and stamped by a
1622 licensed environmental professional. In such report, the licensed
1623 environmental professional shall include a detailed description of the
1624 remedial actions taken and issue a verification or interim verification,
1625 in which he or she shall render an opinion, in accordance with the
1626 standard of care provided in subsection (c) of section 22a-133w, that
1627 the action taken to contain, remove or mitigate the release of regulated
1628 substances within the boundaries of such property is in accordance
1629 with the remediation standards.

1630 (6) All applications for permits required to implement such plan
1631 and schedule in this section shall be submitted to the permit
1632 ombudsman within the Department of Economic and Community
1633 Development.

1634 (7) Each eligible party participating in the brownfield remediation

1635 and revitalization program shall maintain all records related to its
1636 implementation of such plan and schedule and completion of the
1637 remedial action of the property for a period of not less than ten years
1638 and shall make such records available to the commissioner or the
1639 Commissioner of Energy and Environmental Protection at any time
1640 upon request by either.

1641 (8) (A) Within sixty days of receiving a remedial action report
1642 signed and stamped by a licensed environmental professional and a
1643 verification or interim verification, the Commissioner of Energy and
1644 Environmental Protection shall notify the eligible party and the
1645 commissioner whether the Commissioner of Energy and
1646 Environmental Protection will conduct an audit of such remedial
1647 action. Any such audit shall be conducted not later than one hundred
1648 eighty days after the Commissioner of Energy and Environmental
1649 Protection receives a remedial action report signed and stamped by a
1650 licensed environmental professional and a verification or interim
1651 verification. [Within] Not later than fourteen days [of] after completion
1652 of an audit, the Commissioner of Energy and Environmental
1653 Protection shall send written audit findings to the eligible party, the
1654 commissioner and the licensed environmental professional. The audit
1655 findings may approve or disapprove the report, provided any
1656 disapproval shall set forth the reasons for such disapproval.

1657 (B) The Commissioner of Energy and Environmental Protection may
1658 request additional information during an audit conducted pursuant to
1659 this subdivision. If such information has not been provided to said
1660 commissioner within fourteen days of such request, the time frame for
1661 said commissioner to complete the audit shall be suspended until the
1662 information is provided to said commissioner. The Commissioner of
1663 Energy and Environmental Protection may choose to conduct such
1664 audit if and when the eligible party fails to provide a response to said
1665 commissioner's request for additional information within sixty days.

1666 (C) The Commissioner of Energy and Environmental Protection

1667 shall not conduct an audit of a verification or interim verification
1668 pursuant to this subdivision after one hundred eighty days from
1669 receipt of such verification unless (i) said commissioner has reason to
1670 believe that a verification was obtained through the submittal of
1671 materially inaccurate or erroneous information, or otherwise
1672 misleading information material to the verification or that material
1673 misrepresentations were made in connection with the submittal of the
1674 verification, (ii) any post-verification monitoring or operations and
1675 maintenance is required as part of a verification and has not been
1676 done, (iii) a verification that relies upon an environmental land use
1677 restriction was not recorded on the land records of the municipality in
1678 which such land is located in accordance with section 22a-133o and
1679 applicable regulations, (iv) said commissioner determines that there
1680 has been a violation of law material to the verification, or (v) said
1681 commissioner determines that information exists indicating that the
1682 remediation may have failed to prevent a substantial threat to public
1683 health or the environment for releases on the property.

1684 [(l)] (k) Not later than sixty days after receiving a notice of
1685 disapproval or a verification or interim verification from the
1686 Commissioner of Energy and Environmental Protection, the eligible
1687 party shall submit to said commissioner and to the commissioner a
1688 report of cure of noted deficiencies. Within sixty days after receiving
1689 such report of cure of noted deficiencies by said commissioner, said
1690 commissioner shall issue a successful audit closure letter or a written
1691 disapproval of such report of cure of noted deficiencies.

1692 [(m)] (l) Before approving a verification or interim verification, the
1693 Commissioner of Energy and Environmental Protection may enter into
1694 a memorandum of understanding with the eligible party with regard
1695 to any further remedial action or monitoring activities on or at such
1696 property that said commissioner deems necessary for the protection of
1697 human health or the environment.

1698 [(n)] (m) (1) An eligible party who has been accepted into the

1699 brownfield remediation and revitalization program shall have no
1700 obligation as part of its plan and schedule to characterize, abate and
1701 remediate any plume of a regulated substance outside the boundaries
1702 of the subject property, provided the notification requirements of
1703 section 22a-6u pertaining to significant environmental hazards shall
1704 continue to apply to the property and the eligible party shall not be
1705 required to characterize, abate or remediate any such significant
1706 environmental hazard outside the boundaries of the subject property
1707 unless such significant environmental hazard arises from the actions of
1708 the eligible party after its acquisition of or control over the property
1709 from which such significant environmental hazard has emanated
1710 outside its own boundaries. If an eligible party who has been accepted
1711 into the brownfield remediation and revitalization program conveys or
1712 otherwise transfers its ownership of the subject property and such
1713 eligible party is in compliance with the provisions of this section and
1714 the brownfield investigation plan and remediation schedule at the time
1715 of conveyance or transfer of ownership, the provisions of this section
1716 shall apply to such transferee, if such transferee meets the eligibility
1717 criteria set forth in this section, pays the fee required by subsection
1718 [(h)] (g) of this section and complies with all the obligations
1719 undertaken by the eligible party under this section. In such case, all
1720 references to applicant or eligible party shall mean the subsequent
1721 owner or transferee.

1722 (2) After the Commissioner of Energy and Environmental Protection
1723 issues either a no audit letter or a successful audit closure letter, or no
1724 audit decision has been made by said commissioner within one
1725 hundred eighty days after the submittal of the remedial action report
1726 and verification or interim verification, such eligible party shall not be
1727 liable to the state or any third party for (A) costs incurred in the
1728 remediation of, equitable relief relating to, or damages resulting from
1729 the release of regulated substances addressed in the brownfield
1730 investigation plan and remediation schedule, and (B) historical off-site
1731 impacts including air deposition, waste disposal, impacts to sediments

1732 and natural resource damages. No eligible party shall be afforded any
1733 relief from liability such eligible party may have from a release
1734 requiring action pursuant to the PCB regulations or a release requiring
1735 action pursuant to the UST regulations.

1736 (3) The provisions of this section concerning liability shall extend to
1737 any person who acquires title to all or part of the property for which a
1738 remedial action report and verification or interim verification have
1739 been submitted pursuant to this section, provided (A) there is payment
1740 of a fee of ten thousand dollars to said commissioner for each such
1741 extension, (B) such person acquiring all or part of the property meets
1742 the criteria of this section, and (C) the Commissioner of Energy and
1743 Environmental Protection has issued either a successful audit closure
1744 letter or no audit letter, or no audit decision has been made by said
1745 commissioner [within] not later than one hundred eighty days after the
1746 submittal of the remedial action report and verification or interim
1747 verification. No municipality or economic development agency that
1748 acquires title to all or part of the property shall be required to pay a
1749 fee, provided the municipality or economic development agency shall
1750 collect and pay the fee upon transfer of the property to another person
1751 for purposes of development. Such fee shall be deposited into the
1752 Special Contaminated Property Remediation and Insurance Fund
1753 established under section 22a-133t and such funds shall be for the
1754 exclusive use by the Department of Energy and Environmental
1755 Protection.

1756 (4) Neither a successful audit closure nor no audit letter issued
1757 pursuant to this section, nor the expiration of one hundred eighty days
1758 after the submittal of the remedial action report and verification or
1759 interim verification without an audit decision by the Commissioner of
1760 Energy and Environmental Protection, shall preclude said
1761 commissioner from taking any appropriate action, including, but not
1762 limited to, any action to require remediation of the property by the
1763 eligible party or, as applicable, to its successor, if said commissioner

1764 determines that:

1765 (A) The successful audit closure, no audit letter, or the expiration of
1766 one hundred eighty days after the submittal of the remedial action
1767 report and verification or interim verification without an audit
1768 decision by the Commissioner of Energy and Environmental
1769 Protection was based on information provided by the person
1770 submitting such remedial action report and verification or interim
1771 verification that the Commissioner of Energy and Environmental
1772 Protection can show that such person knew, or had reason to know,
1773 was false or misleading, and, in the case of the successor to an
1774 applicant, that such successor was aware or had reason to know that
1775 such information was false or misleading;

1776 (B) New information confirms the existence of previously unknown
1777 contamination that resulted from a release that occurred before the
1778 date that an application has been accepted into the brownfield
1779 remediation and revitalization program;

1780 (C) The eligible party who received the successful audit closure or
1781 no audit letter or where one hundred eighty days lapsed without an
1782 audit decision by the Commissioner of Energy and Environmental
1783 Protection has materially failed to complete the remedial action
1784 required by the brownfield investigation plan and remediation
1785 schedule or to carry out or comply with monitoring, maintenance or
1786 operating requirements pertinent to a remedial action including the
1787 requirements of any environmental land use restriction; or

1788 (D) The threat to human health or the environment is increased
1789 beyond an acceptable level due to substantial changes in exposure
1790 conditions at such property, including, but not limited to, a change
1791 from nonresidential to residential use of such property.

1792 (5) If an eligible party who has been accepted into the brownfield
1793 remediation and revitalization program conveys or otherwise transfers

1794 all or part of its ownership interest in the subject property at any time
1795 before the issuance of a successful audit closure or no audit letter or
1796 the expiration of one hundred eighty days after the submittal of the
1797 remedial action report and verification or interim verification without
1798 an audit decision by the Commissioner of Energy and Environmental
1799 Protection, the eligible party conveying or otherwise transferring its
1800 ownership interest shall not be liable to the state or any third party for
1801 (A) costs incurred in the remediation of, equitable relief relating to, or
1802 damages resulting from the release of regulated substances addressed
1803 in the brownfield investigation plan and remediation schedule, and (B)
1804 historical off-site impacts including air deposition, waste disposal,
1805 impacts to sediments and natural resource damages, provided the
1806 eligible party complied with its obligations under this section during
1807 the period when the eligible party held an ownership interest in the
1808 subject property. Nothing in this subsection shall provide any relief
1809 from liability such eligible party may have related to a release
1810 requiring action pursuant to the PCB regulations, or a release requiring
1811 action pursuant to the UST regulations.

1812 (6) Upon the Commissioner of Energy and Environmental
1813 Protection's issuance of a successful audit closure letter, no audit letter,
1814 or one hundred eighty days have passed since the submittal of a
1815 verification or interim verification and said commissioner has not
1816 audited the verification or interim verification, the immediate prior
1817 owner regardless of its own eligibility to participate in the
1818 comprehensive brownfield remediation and revitalization program
1819 shall have no liability to the state or any third party for any future
1820 investigation and remediation of the release of any regulated substance
1821 at the eligible property addressed in the verification or interim
1822 verification, provided the immediate prior owner has complied with
1823 any legal obligation such owner had with respect to investigation and
1824 remediation of releases at and from the property, and provided further
1825 the immediate prior owner shall retain any and all liability such
1826 immediate prior owner would otherwise have for the investigation

1827 and remediation of the release of any regulated substance beyond the
1828 boundary of the eligible property. In any event, the immediate prior
1829 owner shall remain liable for (A) penalties or fines, if any, relating to
1830 the release of any regulated substance at or from the eligible property,
1831 (B) costs and expenses, if any, recoverable or reimbursable pursuant to
1832 sections 22a-134b, 22a-451 and 22a-452, and (C) obligations of the
1833 immediate prior owner as a certifying party on a Form III or IV
1834 submitted pursuant to sections 22a-134 to 22a-134e, inclusive, as
1835 amended by this act.

1836 [(o)] (n) A person whose application to the brownfield remediation
1837 and revitalization program has been accepted by the commissioner or
1838 any subsequent eligible party whose application to the brownfield
1839 remediation and revitalization program has been accepted by the
1840 commissioner shall be exempt for filing as an establishment pursuant
1841 to sections 22a-134a to 22a-134d, inclusive, if such real property or
1842 prior business operations constitute an establishment. Nothing in this
1843 section shall be construed to alter any existing legal requirement
1844 applicable to any certifying party at a property under sections 22a-134
1845 and 22a-134a to 22a-134e, inclusive, as amended by this act.

1846 [(p)] (o) Notwithstanding the provisions of this section, eligible
1847 parties shall investigate and remediate, and remain subject to all
1848 applicable statutes and requirements, the extent of any new release
1849 that occurs during their ownership of the property.

1850 Sec. 12. Section 12-65e of the general statutes is repealed and the
1851 following is substituted in lieu thereof (*Effective October 1, 2013*):

1852 Any municipality which has adopted a resolution, in accordance
1853 with the provisions of section 12-65d, designating such municipality or
1854 any part thereof as a rehabilitation area, may, upon application of the
1855 owner of any real property located in such area who agrees to
1856 rehabilitate such property or construct (1) new multifamily rental
1857 housing or cooperative housing on such property, or (2) if such

1858 property is a brownfield, as defined in [section 32-9cc] section 1 of this
1859 act, new multifamily rental housing, cooperative housing, common
1860 interest communities or mixed-use or commercial structures on such
1861 property, enter into an agreement to fix the assessment of the property,
1862 during the period of rehabilitation or construction, as of the date of the
1863 agreement, but for not longer than seven years, and upon completion
1864 of such rehabilitation or construction, to defer any increase in
1865 assessment attributable to such rehabilitation or construction for a
1866 period not to exceed eleven years, contingent upon the continued use
1867 of the property for the purposes specified in the agreement, provided
1868 such property meets the criteria established by such municipality in
1869 accordance with section 12-65d and provided further such deferral
1870 shall be determined as follows: For the first year following completion
1871 of such rehabilitation or construction, the entire increase shall be
1872 deferred; thereafter a minimum of ten per cent of the increase shall be
1873 assessed against the property each year until one hundred per cent of
1874 such increase has been so assessed. The agreement shall provide that,
1875 in the event of a general revaluation by the municipality in the year in
1876 which such rehabilitation or construction is completed resulting in any
1877 increase in the assessment on such property, only that portion of the
1878 increase resulting from such rehabilitation or construction shall be
1879 deferred; and in the event of a general revaluation in any year after the
1880 year in which such rehabilitation or construction is completed, such
1881 deferred assessment shall be increased or decreased in proportion to
1882 the increase or decrease in the total assessment on such property as a
1883 result of such general revaluation. Such agreement shall further
1884 provide that such rehabilitation or construction shall be completed by
1885 a date fixed by the municipality and that the completed rehabilitation
1886 or construction shall be subject to inspection and certification by the
1887 local building official as being in conformance with the criteria
1888 established under section 12-65d and such provisions of the state
1889 building and health codes and the local housing code as may apply.
1890 Any such tax deferral shall be contingent upon the continued use of
1891 the property for those purposes specified in the agreement creating

1892 such deferral and such deferral shall cease upon the sale or transfer of
1893 the property for any other purpose unless the municipality shall have
1894 consented thereto.

1895 Sec. 13. Subsection (a) of section 12-217mm of the general statutes is
1896 repealed and the following is substituted in lieu thereof (*Effective*
1897 *October 1, 2013*):

1898 (a) As used in this section:

1899 (1) "Allowable costs" means the amounts chargeable to a capital
1900 account, including, but not limited to: (A) Construction or
1901 rehabilitation costs; (B) commissioning costs; (C) architectural and
1902 engineering fees allocable to construction or rehabilitation, including
1903 energy modeling; (D) site costs, such as temporary electric wiring,
1904 scaffolding, demolition costs and fencing and security facilities; and (E)
1905 costs of carpeting, partitions, walls and wall coverings, ceilings,
1906 lighting, plumbing, electrical wiring, mechanical, heating, cooling and
1907 ventilation but "allowable costs" does not include the purchase of land,
1908 any remediation costs or the cost of telephone systems or computers;

1909 (2) "Brownfield" has the same meaning as in [subsection (g) of
1910 section 32-9cc] section 1 of this act;

1911 (3) "Eligible project" means a real estate development project that is
1912 designed to meet or exceed the applicable LEED Green Building
1913 Rating System gold certification or other certification determined by
1914 the Commissioner of Energy and Environmental Protection to be
1915 equivalent, but if a single project has more than one building, "eligible
1916 project" means only the building or buildings within such project that
1917 is designed to meet or exceed the applicable LEED Green Building
1918 Rating System gold certification or other certification determined by
1919 the Commissioner of Energy and Environmental Protection to be
1920 equivalent;

1921 (4) "Energy Star" means the voluntary labeling program

1922 administered by the United States Environmental Protection Agency
1923 designed to identify and promote energy-efficient products,
1924 equipment and buildings;

1925 (5) "Enterprise zone" means an area in a municipality designated by
1926 the Commissioner of Economic and Community Development as an
1927 enterprise zone in accordance with the provisions of section 32-70;

1928 (6) "LEED Accredited Professional Program" means the professional
1929 accreditation program for architects, engineers and other building
1930 professionals as administered by the United States Green Building
1931 Council;

1932 (7) "LEED Green Building Rating System" means the Leadership in
1933 Energy and Environmental Design green building rating system
1934 developed by the United States Green Building Council as of the date
1935 that the project is registered with the United States Green Building
1936 Council;

1937 (8) "Mixed-use development" means a development consisting of
1938 one or more buildings that includes residential use and in which no
1939 more than seventy-five per cent of the interior square footage has at
1940 least one of the following uses: (A) Commercial use; (B) office use; (C)
1941 retail use; or (D) any other nonresidential use that the Secretary of the
1942 Office of Policy and Management determines does not pose a public
1943 health threat or nuisance to nearby residential areas;

1944 (9) "Secretary" means the Secretary of the Office of Policy and
1945 Management; and

1946 (10) "Site improvements" means any construction work on, or
1947 improvement to, streets, roads, parking facilities, sidewalks, drainage
1948 structures and utilities.

1949 Sec. 14. Subsection (a) of section 12-81r of the general statutes is
1950 repealed and the following is substituted in lieu thereof (*Effective*

1951 *October 1, 2013*):

1952 (a) Any municipality may (1) enter into an agreement with the
 1953 owner of any real property to abate the property tax due as of the date
 1954 of the agreement for a period not to exceed seven years if the property
 1955 has been subject to a spill, as defined in section 22a-452c, and the
 1956 owner agrees to conduct any environmental site assessment,
 1957 demolition and remediation of the spill necessary to redevelop the
 1958 property. Any such tax abatement shall only be for the period of
 1959 remediation and redevelopment and shall be contingent upon the
 1960 continuation and completion of the remediation and redevelopment
 1961 process with respect to the purposes specified in the agreement. The
 1962 abatement shall cease upon the sale or transfer of the property for any
 1963 other purpose unless the municipality consents to its continuation. The
 1964 municipality may also establish a recapture provision in the event of
 1965 sale provided such recapture shall not exceed the original amount of
 1966 taxes abated and may not go back further than the date of the
 1967 agreement; (2) forgive all or a portion of the principal balance and
 1968 interest due on delinquent property taxes for the benefit of any
 1969 prospective purchaser who has obtained an environmental
 1970 investigation or remediation plan approved by the Commissioner of
 1971 Energy and Environmental Protection or a licensed environmental
 1972 professional under section 22a-133w, 22a-133x or 22a-133y and
 1973 completes such remediation plan for an establishment, as defined in
 1974 section 22a-134, as amended by this act, deemed by the municipality to
 1975 be abandoned or a brownfield, as defined in [subdivision (1) of
 1976 subsection (a) of section 32-9kk] section 1 of this act; or (3) enter into an
 1977 agreement with the owner of any real property to fix the assessment of
 1978 the property as of the last assessment date prior to commencement of
 1979 remediation activities for a period not to exceed seven years, provided
 1980 the property has been the subject of a remediation approved by the
 1981 Commissioner of Energy and Environmental Protection or verified by
 1982 a licensed environmental professional pursuant to section 22a-133w,
 1983 22a-133x, 22a-133y or 22a-134, as amended by this act.

1984 Sec. 15. Subsection (c) of section 22a-2d of the general statutes is
1985 repealed and the following is substituted in lieu thereof (*Effective*
1986 *October 1, 2013*):

1987 (c) Wherever the words "Commissioner of Environmental
1988 Protection" are used or referred to in the following sections of the
1989 general statutes, the words "Commissioner of Energy and
1990 Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-
1991 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-
1992 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-
1993 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-
1994 323o, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382,
1995 10-388, 10-389, 10-391, 12-81, 12-81r, as amended by this act, 12-107d,
1996 12-217mm, as amended by this act, 12-263m, 12-407, 12-412, 13a-80i,
1997 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175j, 13b-11a, 13b-38x, 13b-51,
1998 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-65a, 14-67l, 14-80a, 14-
1999 100b, 14-164c, 14-164h, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125,
2000 15-127, 15-130, 15-133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-
2001 140f, 15-140j, 15-140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144,
2002 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-
2003 155d, 15-156, 15-174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j,
2004 16-261a, 16a-3, 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-
2005 35a, 19a-47, 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc,
2006 22-81a, 22-91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as
2007 amended by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-
2008 6i, 22a-6j, 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v,
2009 22a-6w, 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-
2010 8a, 22a-10, 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h,
2011 22a-21j, 22a-22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-
2012 27r, 22a-27s, 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-
2013 38, 22a-42a, 22a-44, 22a-45a, 22a-45b, 22a-45c, 22a-45d, 22a-47, 22a-54,
2014 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 22a-66y,
2015 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 22a-114,
2016 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-133l, 22a-

2017 133m, 22a-133n, 22a-133u, as amended by this act, 22a-133v, 22a-133w,
2018 22a-133y, 22a-133z, 22a-133aa, as amended by this act, 22a-133bb, 22a-
2019 133ee, 22a-134, as amended by this act, 22a-134e, 22a-134f, 22a-134g,
2020 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-134p,
2021 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 22a-151,
2022 22a-153, 22a-154, 22a-155, 22a-156, 22a-158, 22a-160, 22a-162, 22a-170,
2023 22a-171, 22a-173, 22a-174c, 22a-174d, 22a-174e, 22a-174f, 22a-174g, 22a-
2024 174h, 22a-174i, 22a-174j, 22a-174k, 22a-174l, 22a-174m, 22a-180, 22a-
2025 182a, 22a-183, 22a-186, 22a-188, 22a-188a, 22a-191, 22a-191a, 22a-192,
2026 22a-193, 22a-194a, 22a-194c, 22a-194f, 22a-198, 22a-199, 22a-200, 22a-
2027 200a, 22a-200b, 22a-200c, 22a-201a, 22a-201b, 22a-207, 22a-208a, 22a-
2028 208b, 22a-208d, 22a-208e, 22a-208f, 22a-208g, 22a-208h, 22a-208j, 22a-
2029 208o, 22a-208p, 22a-208q, 22a-208v, 22a-208w, 22a-208x, 22a-208y, 22a-
2030 208aa, 22a-208bb, 22a-209a, 22a-209b, 22a-209d, 22a-209f, 22a-209g, 22a-
2031 209h, 22a-209i, 22a-213a, 22a-214, 22a-219b, 22a-219c, 22a-219e, 22a-220,
2032 22a-220a, 22a-220d, 22a-222, 22a-223, 22a-225, 22a-227, 22a-228, 22a-
2033 230, 22a-231, 22a-233a, 22a-235, 22a-235a, 22a-237, 22a-238, 22a-239,
2034 22a-240, 22a-240a, 22a-241, 22a-241a, 22a-241b, 22a-241g, 22a-241h, 22a-
2035 241j, 22a-245, 22a-245a, 22a-245b, 22a-245d, 22a-248, 22a-250, 22a-250a,
2036 22a-250b, 22a-250c, 22a-252, 22a-255b, 22a-255c, 22a-255d, 22a-255f,
2037 22a-255h, 22a-256b, 22a-256c, 22a-256i, 22a-256m, 22a-256o, 22a-256q,
2038 22a-256r, 22a-256v, 22a-256y, 22a-256aa, 22a-260, 22a-264, 22a-283, 22a-
2039 285a, 22a-285d, 22a-285e, 22a-285g, 22a-285h, 22a-285j, 22a-295, 22a-
2040 300, 22a-308, 22a-309, 22a-314, 22a-315, 22a-316, 22a-317, 22a-318, 22a-
2041 319, 22a-320, 22a-321, 22a-322, 22a-324, 22a-326, 22a-328, 22a-336, 22a-
2042 337, 22a-339a, 22a-339b, 22a-339c, 22a-339d, 22a-339f, 22a-339g, 22a-
2043 339h, 22a-342a, 22a-349, 22a-349a, 22a-351, 22a-352, 22a-354b, 22a-354c,
2044 22a-354d, 22a-354e, 22a-354f, 22a-354h, 22a-354i, 22a-354j, 22a-354k,
2045 22a-354l, 22a-354p, 22a-354q, 22a-354t, 22a-354u, 22a-354v, 22a-354w,
2046 22a-354x, 22a-354z, 22a-354aa, 22a-354bb, 22a-354cc, 22a-355, 22a-357,
2047 22a-359, 22a-361, 22a-361a, 22a-363b, 22a-364, 22a-367, 22a-368a, 22a-
2048 378a, 22a-381, 22a-401, 22a-402, 22a-406, 22a-409, 22a-416, 22a-423, 22a-
2049 426, 22a-430b, 22a-430c, 22a-434a, 22a-439, 22a-439a, 22a-444, 22a-445,
2050 22a-449, 22a-449e, 22a-449f, 22a-449g, 22a-449h, 22a-449i, 22a-449j, 22a-

2051 449k, 22a-449l, 22a-449n, 22a-449p, 22a-449q, 22a-450a, 22a-452a, 22a-
 2052 452e, 22a-453a, 22a-454c, 22a-457a, 22a-457b, 22a-458, 22a-459, 22a-461,
 2053 22a-462, 22a-463, 22a-471, 22a-472, 22a-474, 22a-475, 22a-482, 22a-485,
 2054 22a-497, 22a-500, 22a-501, 22a-517, 22a-521, 22a-522, 22a-523, 22a-524,
 2055 22a-525, 22a-526, 22a-527, 22a-601, 22a-602, 22a-605, 22a-613, 22a-616,
 2056 22a-626, 22a-627, 22a-629, 22a-630, 22a-634, 22a-637, 22a-638, 22a-902,
 2057 23-4, 23-5, 23-5b, 23-6, 23-7, 23-8, 23-8b, 23-9a, 23-9b, 23-10, 23-10b, 23-
 2058 10c, 23-10e, 23-10i, 23-11, 23-12, 23-13, 23-14, 23-15a, 23-15b, 23-16, 23-
 2059 16a, 23-17, 23-18, 23-20, 23-21, 23-22, 23-23, 23-24, 23-24a, 23-25, 23-26b,
 2060 23-26c, 23-26d, 23-26f, 23-26g, 23-30, 23-31, 23-32, 23-32a, 23-33, 23-37a,
 2061 23-37b, 23-41, 23-61a, 23-61b, 23-61f, 23-65, 23-65f, 23-65g, 23-65h, 23-
 2062 65i, 23-65j, 23-65l, 23-65m, 23-65n, 23-65o, 23-65p, 23-65q, 23-73, 23-75,
 2063 23-77, 23-101, 23-102, 24-2, 25-33e, 25-33k, 25-33m, 25-33o, 25-34, 25-
 2064 68b, 25-68i, 25-68k, 25-68l, 25-68m, 25-68n, 25-71, 25-72, 25-74, 25-76, 25-
 2065 80, 25-83a, 25-94, 25-95, 25-97, 25-102a, 25-102d, 25-102e, 25-102f, 25-
 2066 102t, 25-102ii, 25-102qq, 25-102xx, 25-109e, 25-109q, 25-131, 25-139, 25-
 2067 155, 25-157, 25-178, 25-199, 25-199a, 25-201, 25-231, 26-1, 26-3, 26-3a, 26-
 2068 3b, 26-3c, 26-5, 26-6, 26-6a, 26-7, 26-15, 26-17a, 26-18, 26-25a, 26-25b, 26-
 2069 27, 26-27b, 26-27c, 26-27d, 26-28b, 26-29c, 26-30, 26-31, 26-31a, 26-40a,
 2070 26-40c, 26-46, 26-55, 26-65, 26-65a, 26-67b, 26-67c, 26-67e, 26-74, 26-80a,
 2071 26-86a, 26-86c, 26-86e, 26-91, 26-103, 26-107f, 26-107h, 26-107i, 26-115,
 2072 26-119, 26-141a, 26-141b, 26-141c, 26-142a, 26-142b, 26-157c, 26-157d,
 2073 26-157e, 26-157h, 26-157i, 26-159a, 26-186a, 26-192j, 26-297, 26-313, 26-
 2074 314, 26-315, 26-316, 28-1b, 28-31, 29-32b, 32-1e, [32-9dd,] 32-9kk, 32-9ll,
 2075 as amended by this act, 32-11a, 32-23x, 32-242, 32-242a, 32-664, 38a-684,
 2076 47-46a, 47-59b, 47-65, 47-65a, 47-66, 47-66d, 47-66g, 51-164n, 52-192, 52-
 2077 473a, 53-190, 53a-44a, 53a-54b and 53a-217e.

2078 Sec. 16. Subsection (d) of section 22a-2d of the general statutes is
 2079 repealed and the following is substituted in lieu thereof (*Effective*
 2080 *October 1, 2013*):

2081 (d) Wherever the words "Department of Environmental Protection"
 2082 are used or referred to in the following sections of the general statutes,

2083 the words "Department of Energy and Environmental Protection" shall
 2084 be substituted in lieu thereof: 1-84, 1-206, 1-217, 2-20a, 4-38c, 4-66c, 4-
 2085 66aa, 4-89, 4a-53, 5-142, 7-131e, 7-151a, 7-151b, 7-252, 8-387, 10-282, 10-
 2086 291, 10-413, 10a-119e, 12-63e, 12-263m, 13a-142b, 13a-142c, 13a-142d,
 2087 13b-38a, 14-386, 15-129, 15-130a, 15-140e, 15-140f, 15-140j, 15-154, 15-
 2088 155, 16-19h, 16-19o, 16-50j, 16-50k, 16-50p, 16-243q, 16-244d, 16-244j, 16-
 2089 245l, 16-245y, 16-262m, 16-262n, 19a-197b, 19a-320, 20-420, 21-84b, 22-
 2090 11f, 22-11g, 22-11h, 22-26cc, 22-91e, 22-455, 22a-1d, 22a-2a, 22a-2c, 22a-
 2091 5b, 22a-6, as amended by this act, 22a-6f, 22a-6g, 22a-6l, 22a-6p, 22a-6r,
 2092 22a-6u, 22a-6x, 22a-6cc, 22a-10, 22a-11, 22a-20a, 22a-21, 22a-21a, 22a-
 2093 21b, 22a-21c, 22a-21i, 22a-21j, 22a-21k, 22a-22, 22a-25, 22a-26, 22a-26a,
 2094 22a-27j, 22a-27l, 22a-27s, 22a-29, 22a-33, 22a-40, 22a-47a, 22a-58, 22a-61,
 2095 22a-66z, 22a-68, 22a-115, 22a-118, 22a-119, 22a-122, 22a-123, 22a-126,
 2096 22a-132, 22a-133v, 22a-133w, 22a-134i, 22a-135, 22a-170, 22a-174, 22a-
 2097 174l, 22a-186, 22a-188a, 22a-196, 22a-198, 22a-200b, 22a-200c, 22a-200d,
 2098 22a-207, 22a-208a, 22a-209f, 22a-223, 22a-233a, 22a-239a, 22a-244, 22a-
 2099 245a, 22a-247, 22a-248, 22a-250, 22a-255h, 22a-256m, 22a-256y, 22a-259,
 2100 22a-260, 22a-264, 22a-275, 22a-314, 22a-315, 22a-336, 22a-352, 22a-355,
 2101 22a-361, 22a-363b, 22a-416, 22a-426, 22a-446, 22a-449f, 22a-449l, 22a-
 2102 449n, 22a-454a, 22a-475, 22a-477, 22a-509, 22a-521, 22a-601, 22a-629,
 2103 22a-630, 22a-635, 23-5c, 23-8, 23-8b, 23-10b, 23-10d, 23-15, 23-15b, 23-19,
 2104 23-20, 23-24a, 23-32a, 23-61a, 23-65f, 23-65h, 23-65i, 23-65k, 23-67, 23-68,
 2105 23-72, 23-73, 23-101, 23-102, 23-103, 25-32d, 25-33p, 25-37d, 25-37e, 25-
 2106 37i, 25-43c, 25-102e, 25-102f, 25-128, 25-131, 25-157, 25-157a, 25-157b,
 2107 25-157n, 25-175, 25-201, 25-206, 25-231, 26-6a, 26-15, 26-15a, 26-15b, 26-
 2108 17a, 26-27b, 26-31, 26-40a, 26-55, 26-55a, 26-59, 26-66a, 26-66b, 26-72, 26-
 2109 86f, 26-105, 26-142a, 26-157d, 26-192k, 26-300, 26-304, 26-314, 28-31, 29-
 2110 28, 29-36f, 30-55a, 32-1e, 32-9t, [32-9dd,] 32-9kk, 32-9ll, 32-11a, 32-23d,
 2111 32-23x, 32-242, 32-242a, 32-726, as amended by this act, 46b-220, 47-46a,
 2112 47-64, 52-557b, 53-204, 53-205, 53-206d, 53a-44a, 53a-217e, 54-56g and
 2113 54-143.

2114 Sec. 17. Subsections (i) to (k), inclusive, of section 22a-6 of the
 2115 general statutes are repealed and the following is substituted in lieu

2116 thereof (*Effective October 1, 2013*):

2117 (i) Notwithstanding the provisions of subsection (a) of this section,
2118 no person shall be required to pay any fee established by the
2119 commissioner pursuant to section 22a-133x, 22a-133aa, as amended by
2120 this act, 22a-134a or 22a-134e for any new or pending application,
2121 provided such person has received financial assistance from any
2122 department, institution, agency or authority of the state for the
2123 purpose of investigation or remediation, or both, of a brownfield, [site,
2124 as defined in section 32-9kk] as defined in section 1 of this act, and
2125 such activity would otherwise require a fee to be paid to the
2126 commissioner for the activity conducted with such financial assistance.

2127 (j) Notwithstanding the provisions of subsection (a) of this section,
2128 no department, institution, agency or authority of the state or the state
2129 system of higher education shall be required to pay any fee established
2130 by the commissioner pursuant to section 22a-133x, 22a-133aa, as
2131 amended by this act, 22a-134a or 22a-134e for any new or pending
2132 application, provided such division of the state is conducting an
2133 investigation or remediation, or both, of a brownfield, [site, as defined
2134 in section 32-9kk] as defined in section 1 of this act, and siting a state
2135 facility on such brownfield site.

2136 (k) Notwithstanding the provisions of subsection (a) of this section,
2137 no person shall be required to pay any fee associated with a
2138 brownfield, as defined in [section 32-9kk] section 1 of this act, due to
2139 the commissioner resulting from the actions of another party prior to
2140 their acquisition of such brownfield, provided such person intends to
2141 investigate and remediate such brownfield.

2142 Sec. 18. Subsection (b) of section 22a-133u of the general statutes is
2143 repealed and the following is substituted in lieu thereof (*Effective*
2144 *October 1, 2013*):

2145 (b) The Commissioner of Economic and Community Development

2146 may use any funds deposited into the Special Contaminated Property
2147 Remediation and Insurance Fund pursuant to section 3 of public act
2148 96-250 for (1) loans to municipalities, individuals or firms for Phase II
2149 environmental site assessments, Phase III investigations of real
2150 property or for any costs of demolition, including related lead and
2151 asbestos removal or abatement costs or costs related to the remediation
2152 of environmental pollution, undertaken to prepare contaminated real
2153 property for development subsequent to any Phase III investigation,
2154 (2) expenses related to administration of this subsection provided such
2155 expenses may not exceed one hundred twenty-five thousand dollars
2156 per year, (3) funding the remedial action and redevelopment
2157 municipal grant program established pursuant to [subsection (e) of]
2158 section 32-9kk, as amended by this act, and (4) funding the targeted
2159 brownfield development loan program developed pursuant to
2160 [subsection (f) of section 32-9kk] section 5 of this act.

2161 Sec. 19. Subsection (g) of section 22a-133aa of the general statutes is
2162 repealed and the following is substituted in lieu thereof (*Effective*
2163 *October 1, 2013*):

2164 (g) Any prospective purchaser or municipality remediating
2165 property pursuant to the abandoned brownfield cleanup program
2166 established pursuant to section 32-9ll, as amended by this act, shall
2167 qualify for a covenant not to sue from the Commissioner of Energy
2168 and Environmental Protection without fee. Such covenant not to sue
2169 shall be transferable to subsequent owners provided the property is
2170 undergoing remediation or is remediated in accordance with
2171 subsection [(g)] (f) of [said] section 32-9ll, as amended by this act.

2172 Sec. 20. Subdivision (1) of section 22a-134 of the general statutes is
2173 repealed and the following is substituted in lieu thereof (*Effective*
2174 *October 1, 2013*):

2175 (1) "Transfer of establishment" means any transaction or proceeding
2176 through which an establishment undergoes a change in ownership, but

2177 does not mean:

2178 (A) Conveyance or extinguishment of an easement;

2179 (B) Conveyance of an establishment through a foreclosure, as
2180 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2181 tax lien or through a tax warrant sale pursuant to section 12-157, an
2182 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
2183 or by condemnation pursuant to section 32-224 or purchase pursuant
2184 to a resolution by the legislative body of a municipality authorizing the
2185 acquisition through eminent domain for establishments that also meet
2186 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2187 act, or a subsequent transfer by such municipality that has foreclosed
2188 on the property, foreclosed municipal tax liens or that has acquired
2189 title to the property through section 12-157 [, or is within the pilot
2190 program established in subsection (c) of section 32-9cc,] or has
2191 acquired such property through the exercise of eminent domain
2192 pursuant to section 8-128, 8-169e or 8-193 or by condemnation
2193 pursuant to section 32-224 or a resolution adopted in accordance with
2194 this subparagraph, provided (i) the party acquiring the property from
2195 the municipality did not establish, create or contribute to the
2196 contamination at the establishment and is not affiliated with any
2197 person who established, created or contributed to such contamination
2198 or with any person who is or was an owner or certifying party for the
2199 establishment, and (ii) on or before the date the party acquires the
2200 property from the municipality, such party or municipality enters and
2201 subsequently remains in the voluntary remediation program
2202 administered by the commissioner pursuant to section 22a-133x and
2203 remains in compliance with schedules and approvals issued by the
2204 commissioner. For purposes of this subparagraph, subsequent transfer
2205 by a municipality includes any transfer to, from or between a
2206 municipality, municipal economic development agency or entity
2207 created or operating under chapter 130 or 132, a nonprofit economic
2208 development corporation formed to promote the common good,

2209 general welfare and economic development of a municipality that is
2210 funded, either directly or through in-kind services, in part by a
2211 municipality, or a nonstock corporation or limited liability company
2212 controlled or established by a municipality, municipal economic
2213 development agency or entity created or operating under chapter 130
2214 or 132;

2215 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2216 defined in and that qualifies for the secured lender exemption
2217 pursuant to subsection (b) of section 22a-452f;

2218 (D) Conveyance of a security interest, as defined in subdivision (7)
2219 of subsection (b) of section 22a-452f;

2220 (E) Termination of a lease and conveyance, assignment or execution
2221 of a lease for a period less than ninety-nine years including
2222 conveyance, assignment or execution of a lease with options or similar
2223 terms that will extend the period of the leasehold to ninety-nine years,
2224 or from the commencement of the leasehold, ninety-nine years,
2225 including conveyance, assignment or execution of a lease with options
2226 or similar terms that will extend the period of the leasehold to ninety-
2227 nine years, or from the commencement of the leasehold;

2228 (F) Any change in ownership approved by the Probate Court;

2229 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2230 executor or administrator under the terms of a testamentary trust or
2231 will, or by intestate succession;

2232 (H) Corporate reorganization not substantially affecting the
2233 ownership of the establishment;

2234 (I) The issuance of stock or other securities of an entity which owns
2235 or operates an establishment;

2236 (J) The transfer of stock, securities or other ownership interests

2237 representing less than forty per cent of the ownership of the entity that
2238 owns or operates the establishment;

2239 (K) Any conveyance of an interest in an establishment where the
2240 transferor is the sibling, spouse, child, parent, grandparent, child of a
2241 sibling or sibling of a parent of the transferee;

2242 (L) Conveyance of an interest in an establishment to a trustee of an
2243 inter vivos trust created by the transferor solely for the benefit of one
2244 or more siblings, spouses, children, parents, grandchildren, children of
2245 a sibling or siblings of a parent of the transferor;

2246 (M) Any conveyance of a portion of a parcel upon which portion no
2247 establishment is or has been located and upon which there has not
2248 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2249 of hazardous waste, provided either the area of such portion is not
2250 greater than fifty per cent of the area of such parcel or written notice of
2251 such proposed conveyance and an environmental condition
2252 assessment form for such parcel is provided to the commissioner sixty
2253 days prior to such conveyance;

2254 (N) Conveyance of a service station, as defined in subdivision (5) of
2255 this section;

2256 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2257 had been developed solely for residential use and such use has not
2258 changed;

2259 (P) Any conveyance of an establishment to any entity created or
2260 operating under chapter 130 or 132, or to an urban rehabilitation
2261 agency, as defined in section 8-292, or to a municipality under section
2262 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2263 of the corporation;

2264 (Q) Any conveyance of a parcel in connection with the acquisition of
2265 properties to effectuate the development of the overall project, as

2266 defined in section 32-651;

2267 (R) The conversion of a general or limited partnership to a limited
2268 liability company under section 34-199;

2269 (S) The transfer of general partnership property held in the names of
2270 all of its general partners to a general partnership which includes as
2271 general partners immediately after the transfer all of the same persons
2272 as were general partners immediately prior to the transfer;

2273 (T) The transfer of general partnership property held in the names
2274 of all of its general partners to a limited liability company which
2275 includes as members immediately after the transfer all of the same
2276 persons as were general partners immediately prior to the transfer;

2277 (U) Acquisition of an establishment by any governmental or quasi-
2278 governmental condemning authority;

2279 (V) Conveyance of any real property or business operation that
2280 would qualify as an establishment solely as a result of (i) the
2281 generation of more than one hundred kilograms of universal waste in
2282 a calendar month, (ii) the storage, handling or transportation of
2283 universal waste generated at a different location, or (iii) activities
2284 undertaken at a universal waste transfer facility, provided any such
2285 real property or business operation does not otherwise qualify as an
2286 establishment; there has been no discharge, spillage, uncontrolled loss,
2287 seepage or filtration of a universal waste or a constituent of universal
2288 waste that is a hazardous substance at or from such real property or
2289 business operation; and universal waste is not also recycled, treated,
2290 except for treatment of a universal waste pursuant to 40 CFR
2291 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2292 such real property or business operation;

2293 (W) Conveyance of a unit in a residential common interest
2294 community in accordance with section 22a-134i;

2295 (X) Acquisition of an establishment that is in the abandoned
2296 brownfield cleanup program established pursuant to section 32-9ll, as
2297 amended by this act, and all subsequent transfers of the establishment,
2298 provided the establishment is undergoing remediation or is
2299 remediated in accordance with subsection [(g)] (f) of [said] section 32-
2300 9ll, as amended by this act;

2301 (Y) Any transfer of title from a bankruptcy court or a municipality
2302 to a nonprofit organization;

2303 (Z) Acquisition of an establishment that is in the brownfield
2304 remediation and revitalization program and all subsequent transfers of
2305 the establishment, provided the establishment is in compliance with
2306 the brownfield investigation plan and remediation schedule, the
2307 commissioner has issued a no audit letter or successful audit closure
2308 letter in response to a verification or interim verification submitted
2309 regarding the remediation of such establishment under the brownfield
2310 remediation and revitalization program, or one hundred eighty days
2311 has expired since a verification or interim verification submitted
2312 regarding the remediation of such establishment under the brownfield
2313 remediation and revitalization program without an audit decision
2314 from the Commissioner of Energy and Environmental Protection;

2315 (AA) Conveyance of an establishment in connection with the
2316 acquisition of properties to effectuate the development of a project
2317 certified and approved pursuant to section 32-9v, provided any such
2318 property is investigated and remediated in accordance with section
2319 22a-133y; or

2320 (BB) Conveyance from the Department of Transportation to the
2321 Connecticut Airport Authority of any properties comprising (i)
2322 Bradley International Airport and all related improvements and
2323 facilities now in existence and as hereafter acquired, added, extended,
2324 improved and equipped, including any property or facilities
2325 purchased with funds of, or revenues derived from, Bradley

2326 International Airport, and any other property or facilities allocated by
2327 the state, the Connecticut Airport Authority or otherwise to Bradley
2328 International Airport, (ii) the state-owned and operated general
2329 aviation airports, including Danielson Airport, Groton/New London
2330 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2331 Windham Airport and any such other airport as may be owned,
2332 operated or managed by the Connecticut Airport Authority and
2333 designated as general aviation airports, (iii) any other airport as may
2334 be owned, operated or managed by the Connecticut Airport Authority,
2335 and (iv) any airport site or any part thereof, including, but not limited
2336 to, any restricted landing areas and any air navigation facilities.

2337 Sec. 21. Subdivision (1) of section 22a-134 of the general statutes, as
2338 amended by section 53 of public act 11-241, section 7 of public act 12-
2339 32, section 7 of public act 12-183 and section 3 of public act 12-196, is
2340 repealed and the following is substituted in lieu thereof (*Effective*
2341 *January 1, 2014*):

2342 (1) "Transfer of establishment" means any transaction or proceeding
2343 through which an establishment undergoes a change in ownership, but
2344 does not mean:

2345 (A) Conveyance or extinguishment of an easement;

2346 (B) Conveyance of an establishment through a foreclosure, as
2347 defined in subsection (b) of section 22a-452f, foreclosure of a municipal
2348 tax lien or through a tax warrant sale pursuant to section 12-157, an
2349 exercise of eminent domain pursuant to section 8-128, 8-169e or 8-193
2350 or by condemnation pursuant to section 32-224 or purchase pursuant
2351 to a resolution by the legislative body of a municipality authorizing the
2352 acquisition through eminent domain for establishments that also meet
2353 the definition of a brownfield, as defined in section [32-9kk] 1 of this
2354 act, or a subsequent transfer by such municipality that has foreclosed
2355 on the property, foreclosed municipal tax liens or that has acquired
2356 title to the property through section 12-157 [, or is within the pilot

2357 program established in subsection (c) of section 32-9cc,] or has
2358 acquired such property through the exercise of eminent domain
2359 pursuant to section 8-128, 8-169e or 8-193 or by condemnation
2360 pursuant to section 32-224 or a resolution adopted in accordance with
2361 this subparagraph, provided (i) the party acquiring the property from
2362 the municipality did not establish, create or contribute to the
2363 contamination at the establishment and is not affiliated with any
2364 person who established, created or contributed to such contamination
2365 or with any person who is or was an owner or certifying party for the
2366 establishment, and (ii) on or before the date the party acquires the
2367 property from the municipality, such party or municipality enters and
2368 subsequently remains in the voluntary remediation program
2369 administered by the commissioner pursuant to section 22a-133x and
2370 remains in compliance with schedules and approvals issued by the
2371 commissioner. For purposes of this subparagraph, subsequent transfer
2372 by a municipality includes any transfer to, from or between a
2373 municipality, municipal economic development agency or entity
2374 created or operating under chapter 130 or 132, a nonprofit economic
2375 development corporation formed to promote the common good,
2376 general welfare and economic development of a municipality that is
2377 funded, either directly or through in-kind services, in part by a
2378 municipality, or a nonstock corporation or limited liability company
2379 controlled or established by a municipality, municipal economic
2380 development agency or entity created or operating under chapter 130
2381 or 132;

2382 (C) Conveyance of a deed in lieu of foreclosure to a lender, as
2383 defined in and that qualifies for the secured lender exemption
2384 pursuant to subsection (b) of section 22a-452f;

2385 (D) Conveyance of a security interest, as defined in subdivision (7)
2386 of subsection (b) of section 22a-452f;

2387 (E) Termination of a lease and conveyance, assignment or execution
2388 of a lease for a period less than ninety-nine years including

2389 conveyance, assignment or execution of a lease with options or similar
2390 terms that will extend the period of the leasehold to ninety-nine years,
2391 or from the commencement of the leasehold, ninety-nine years,
2392 including conveyance, assignment or execution of a lease with options
2393 or similar terms that will extend the period of the leasehold to ninety-
2394 nine years, or from the commencement of the leasehold;

2395 (F) Any change in ownership approved by the Probate Court;

2396 (G) Devolution of title to a surviving joint tenant, or to a trustee,
2397 executor or administrator under the terms of a testamentary trust or
2398 will, or by intestate succession;

2399 (H) Corporate reorganization not substantially affecting the
2400 ownership of the establishment;

2401 (I) The issuance of stock or other securities of an entity which owns
2402 or operates an establishment;

2403 (J) The transfer of stock, securities or other ownership interests
2404 representing less than forty per cent of the ownership of the entity that
2405 owns or operates the establishment;

2406 (K) Any conveyance of an interest in an establishment where the
2407 transferor is the sibling, spouse, child, parent, grandparent, child of a
2408 sibling or sibling of a parent of the transferee;

2409 (L) Conveyance of an interest in an establishment to a trustee of an
2410 inter vivos trust created by the transferor solely for the benefit of one
2411 or more siblings, spouses, children, parents, grandchildren, children of
2412 a sibling or siblings of a parent of the transferor;

2413 (M) Any conveyance of a portion of a parcel upon which portion no
2414 establishment is or has been located and upon which there has not
2415 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
2416 of hazardous waste, provided either the area of such portion is not

2417 greater than fifty per cent of the area of such parcel or written notice of
2418 such proposed conveyance and an environmental condition
2419 assessment form for such parcel is provided to the commissioner sixty
2420 days prior to such conveyance;

2421 (N) Conveyance of a service station, as defined in subdivision (5) of
2422 this section;

2423 (O) Any conveyance of an establishment which, prior to July 1, 1997,
2424 had been developed solely for residential use and such use has not
2425 changed;

2426 (P) Any conveyance of an establishment to any entity created or
2427 operating under chapter 130 or 132, or to an urban rehabilitation
2428 agency, as defined in section 8-292, or to a municipality under section
2429 32-224, or to Connecticut Innovations, Incorporated or any subsidiary
2430 of the corporation;

2431 (Q) Any conveyance of a parcel in connection with the acquisition of
2432 properties to effectuate the development of the overall project, as
2433 defined in section 32-651;

2434 (R) The conversion of a general or limited partnership to a limited
2435 liability company;

2436 (S) The transfer of general partnership property held in the names of
2437 all of its general partners to a general partnership which includes as
2438 general partners immediately after the transfer all of the same persons
2439 as were general partners immediately prior to the transfer;

2440 (T) The transfer of general partnership property held in the names
2441 of all of its general partners to a limited liability company which
2442 includes as members immediately after the transfer all of the same
2443 persons as were general partners immediately prior to the transfer;

2444 (U) Acquisition of an establishment by any governmental or quasi-

2445 governmental condemning authority;

2446 (V) Conveyance of any real property or business operation that
2447 would qualify as an establishment solely as a result of (i) the
2448 generation of more than one hundred kilograms of universal waste in
2449 a calendar month, (ii) the storage, handling or transportation of
2450 universal waste generated at a different location, or (iii) activities
2451 undertaken at a universal waste transfer facility, provided any such
2452 real property or business operation does not otherwise qualify as an
2453 establishment; there has been no discharge, spillage, uncontrolled loss,
2454 seepage or filtration of a universal waste or a constituent of universal
2455 waste that is a hazardous substance at or from such real property or
2456 business operation; and universal waste is not also recycled, treated,
2457 except for treatment of a universal waste pursuant to 40 CFR
2458 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
2459 such real property or business operation;

2460 (W) Conveyance of a unit in a residential common interest
2461 community in accordance with section 22a-134i;

2462 (X) Acquisition of an establishment that is in the abandoned
2463 brownfield cleanup program established pursuant to section 32-9ll, as
2464 amended by this act, and all subsequent transfers of the establishment,
2465 provided the establishment is undergoing remediation or is
2466 remediated in accordance with subsection [(g)] (f) of [said] section 32-
2467 9ll, as amended by this act;

2468 (Y) Any transfer of title from a bankruptcy court or a municipality
2469 to a nonprofit organization;

2470 (Z) Acquisition of an establishment that is in the brownfield
2471 remediation and revitalization program and all subsequent transfers of
2472 the establishment, provided the establishment is in compliance with
2473 the brownfield investigation plan and remediation schedule, the
2474 commissioner has issued a no audit letter or successful audit closure

2475 letter in response to a verification or interim verification submitted
2476 regarding the remediation of such establishment under the brownfield
2477 remediation and revitalization program, or a one-hundred-eighty-day
2478 period has expired since a verification or interim verification
2479 submitted regarding the remediation of such establishment under the
2480 brownfield remediation and revitalization program without an audit
2481 decision from the Commissioner of Energy and Environmental
2482 Protection;

2483 (AA) Conveyance of an establishment in connection with the
2484 acquisition of properties to effectuate the development of a project
2485 certified and approved pursuant to section 32-9v, provided any such
2486 property is investigated and remediated in accordance with section
2487 22a-133y; or

2488 (BB) Conveyance from the Department of Transportation to the
2489 Connecticut Airport Authority of any properties comprising (i)
2490 Bradley International Airport and all related improvements and
2491 facilities now in existence and as hereafter acquired, added, extended,
2492 improved and equipped, including any property or facilities
2493 purchased with funds of, or revenues derived from, Bradley
2494 International Airport, and any other property or facilities allocated by
2495 the state, the Connecticut Airport Authority or otherwise to Bradley
2496 International Airport, (ii) the state-owned and operated general
2497 aviation airports, including Danielson Airport, Groton/New London
2498 Airport, Hartford Brainard Airport, Waterbury-Oxford Airport and
2499 Windham Airport and any such other airport as may be owned,
2500 operated or managed by the Connecticut Airport Authority and
2501 designated as general aviation airports, (iii) any other airport as may
2502 be owned, operated or managed by the Connecticut Airport Authority,
2503 and (iv) any airport site or any part thereof, including, but not limited
2504 to, any restricted landing areas and any air navigation facilities.

2505 Sec. 22. Subsection (e) of section 25-68d of the general statutes is
2506 repealed and the following is substituted in lieu thereof (*Effective*

2507 *October 1, 2013*):

2508 (e) The use of a mill that is located on a brownfield, as defined in
2509 section [32-9kk] 1 of this act, shall be exempt from the certification
2510 requirements of subdivision (4) of subsection (b) of this section,
2511 provided the agency demonstrates: (1) The activity is subject to the
2512 environmental remediation requirements of the regulations adopted
2513 pursuant to section 22a-133k, (2) the activity is limited to the areas of
2514 the property where historical mill uses occurred, (3) any critical
2515 activity is above the five-hundred-year flood elevation, and (4) the
2516 activity complies with the provisions of the National Flood Insurance
2517 Program.

2518 Sec. 23. Subdivision (8) of subsection (a) of section 32-1m of the
2519 general statutes is repealed and the following is substituted in lieu
2520 thereof (*Effective October 1, 2013*):

2521 (8) (A) A summary of the department's brownfield-related efforts
2522 and activities within the Office of Brownfield Remediation and
2523 Development established pursuant to subsections (a) to [(f)] (d),
2524 inclusive, of section 32-9cc in the preceding state fiscal year, except for
2525 activity under the Special Contaminated Property Remediation and
2526 Insurance Fund program. Such efforts shall include, but not be limited
2527 to, (i) total portfolio investment in brownfield remediation projects, (ii)
2528 total investment in brownfield remediation projects in the preceding
2529 state fiscal year, (iii) total number of brownfield remediation projects,
2530 (iv) total number of brownfield remediation projects in the preceding
2531 state fiscal year, (v) total of reclaimed and remediated acreage, (vi)
2532 total of reclaimed and remediated acreage in the preceding state fiscal
2533 year, (vii) leverage ratio for the total portfolio investment in
2534 brownfield remediation projects, and (viii) leverage ratio for the total
2535 portfolio investment in brownfield remediation projects in the
2536 preceding state fiscal year. Such summary shall include a list of such
2537 brownfield remediation projects and, for each such project, the name
2538 of the developer and the location by street address and municipality

2539 and a tracking of all funds administered through or by said office;

2540 (B) A summary of the department's efforts with regard to the
2541 Special Contaminated Property Remediation and Insurance Fund,
2542 including, but not limited to, (i) the number of applications received in
2543 the preceding state fiscal year, (ii) the number and amounts of loans
2544 made in such year, (iii) the names of the applicants for such loans, (iv)
2545 the average time period between submission of application and the
2546 decision to grant or deny the loan, (v) a list of the applications
2547 approved and the applications denied and the reasons for such
2548 denials, and (vi) for each project, the location by street address and
2549 municipality; and

2550 (C) A summary of the department's efforts with regard to the dry
2551 cleaning grant program, established pursuant to section 12-263m,
2552 including, but not limited to, (i) information as to the number of
2553 applications received, (ii) the number and amounts of grants made
2554 since the inception of the program, (iii) the names of the applicants,
2555 (iv) the time period between submission of application and the
2556 decision to grant or deny the loan, (v) which applications were
2557 approved and which applications were denied and the reasons for any
2558 denials, and (vi) a recommendation as to whether the surcharge and
2559 grant program established pursuant to section 12-263m should
2560 continue.

2561 Sec. 24. Section 32-22b of the general statutes is repealed and the
2562 following is substituted in lieu thereof (*Effective October 1, 2013*):

2563 Connecticut Innovations, Incorporated may establish a loan
2564 guarantee program to provide guarantees of not more than thirty per
2565 cent of the loan to lenders who provide financing to [eligible
2566 developers or eligible property owners as defined in subsection (a) of
2567 section 32-9kk] recipients of grants or loans pursuant to section 32-9kk,
2568 as amended by this act, or section 5 of this act.

2569 Sec. 25. Subsection (b) of section 32-276 of the general statutes is
2570 repealed and the following is substituted in lieu thereof (*Effective*
2571 *October 1, 2013*):

2572 (b) (1) The commissioner shall establish an office of the permit
2573 ombudsman for the purpose of expediting review of permit
2574 applications for projects that would (A) create at least one hundred
2575 jobs, (B) create fifty jobs, if such project is to be located in an enterprise
2576 zone designated pursuant to section 32-70, (C) be located in a
2577 brownfield, as defined in section [32-9cc] 1 of this act, (D) be
2578 compatible with the state's responsible growth initiatives, (E) be
2579 considered transit-oriented development, as defined in section 13b-
2580 79kk, (F) develop green technology business, or (G) meet the criteria
2581 set forth in subdivision (2) of this subsection. Projects ineligible for
2582 review under this section are projects for which the primary purpose is
2583 to (i) effect the final disposal of solid waste, biomedical waste or
2584 hazardous waste in this state, (ii) produce electrical power, unless the
2585 production of electricity is incidental and not the primary function of
2586 the project, (iii) extract natural resources, (iv) produce oil, or (v)
2587 construct, maintain or operate an oil, petroleum, natural gas or sewage
2588 pipeline. For purposes of this section, "responsible growth initiatives"
2589 includes the principles of smart growth, as defined in section 1 of
2590 public act 09-230, and "green technology business" means an eligible
2591 business with not less than twenty-five per cent of its employment
2592 positions being positions in which green technology is employed or
2593 developed and may include the occupation codes identified as green
2594 jobs by the Department of Economic and Community Development
2595 and the Labor Department for such purposes.

2596 (2) Notwithstanding the provisions of subdivision (1) of this
2597 subsection, the commissioner may, upon consideration of the
2598 economic impact factors of the project that include, but are not limited
2599 to: (A) The proposed wage and skill levels relative to those existing in
2600 the area in which the project may be located, (B) the project's potential

2601 to diversify and strengthen the state and local economy, (C) the
 2602 amount of capital investment, and (D) in the judgment of the
 2603 commissioner, after consultation with the Departments of Energy and
 2604 Environmental Protection, Transportation and Public Health that there
 2605 is consistency with the strategic economic development priorities of
 2606 the state and the municipality, deem projects eligible for expedited
 2607 permitting pursuant to this section.

2608 Sec. 26. (*Effective October 1, 2013*) Any funds in the Connecticut
 2609 brownfields remediation account established pursuant to section 32-9ff
 2610 of the general statutes, revision of 1958, revised to January 1, 2013,
 2611 shall be transferred to the brownfield remediation and development
 2612 account established pursuant to section 3 of this act and shall become
 2613 part of the assets of such account.

2614 Sec. 27. Sections 32-9dd and 32-9ff of the general statutes are
 2615 repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	32-9cc
Sec. 3	<i>October 1, 2013</i>	New section
Sec. 4	<i>October 1, 2013</i>	32-9kk
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	32-9gg
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	32-9ee
Sec. 9	<i>October 1, 2013</i>	New section
Sec. 10	<i>October 1, 2013</i>	32-9ll
Sec. 11	<i>October 1, 2013</i>	32-9mm
Sec. 12	<i>October 1, 2013</i>	12-65e
Sec. 13	<i>October 1, 2013</i>	12-217mm(a)
Sec. 14	<i>October 1, 2013</i>	12-81r(a)
Sec. 15	<i>October 1, 2013</i>	22a-2d(c)
Sec. 16	<i>October 1, 2013</i>	22a-2d(d)

Sec. 17	<i>October 1, 2013</i>	22a-6(i) to (k)
Sec. 18	<i>October 1, 2013</i>	22a-133u(b)
Sec. 19	<i>October 1, 2013</i>	22a-133aa(g)
Sec. 20	<i>October 1, 2013</i>	22a-134(1)
Sec. 21	<i>January 1, 2014</i>	22a-134(1)
Sec. 22	<i>October 1, 2013</i>	25-68d(e)
Sec. 23	<i>October 1, 2013</i>	32-1m(a)(8)
Sec. 24	<i>October 1, 2013</i>	32-22b
Sec. 25	<i>October 1, 2013</i>	32-276(b)
Sec. 26	<i>October 1, 2013</i>	New section
Sec. 27	<i>October 1, 2013</i>	Repealer section

CE *Joint Favorable Subst.*

PD *Joint Favorable*